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BY HAND DELIVERY

September 4, 2009

Stephen Gardner
Project Manager
Department of Planning
1 Harrison Street, S.E., 3rd Floor
Leesburg, Virginia 20177-7000



RE: ZCPA 2006-0003/ZMAP 2006-0011, Stone Ridge Commercial

Dear Stephen:

This letter includes our response to the review comments on the June 16th submission of the Application. The main elements of this revised Application are as follows:

- the relocation of the proposed R-24 district to the south in order to abut Tall Cedars Parkway, in response to certain Zoning comments,
- the inclusion of additional Stone Ridge land with the ZCPA application in support of proposed proffers regarding the library site, trail easement and linkage commitments, in response to certain Zoning comments,
- the removal of two previously requested zoning modifications and the addition of a new modification to address the PD-CC(SC) district size,
- the restoration of the currently approved tree conservation areas in Land Bay 1,
- a commitment to grant a 30-foot wide public access easement for future stream valley trail, and
- a commitment to design standards for the development of the PD-OP land bay.

Enclosed with this submission are 10 copies each of the revised Statement of Justification, the draft proffer statement and comparisons with the approved proffers and the last version of the proffers submitted for review. Ten copies of the revised Application plan set will be delivered to you under separate cover. Also enclosed are three copies each of the Stone Ridge development summary and the consolidated approved proffers for ZCPA 2002-0004/ZMAP 2002-0013 requested by Zoning, and three copies each of the approved wetlands permit and the previously submitted highway noise study requested by ERT.

The staff review comments are addressed below in chronological order. Each agency's comments are summarized (noted in *Italics*) and followed by our response.

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Zoning Division, Department of Building and Development (comments dated 7/2/09)

1. *In regard to the preamble, I note that the description of "the Property" does not include Land Bays 2, 3 or 4. However, a number of the proffer changes impact these land bays. I suggest that these land bays be included. In addition, I note that the proffers pertaining to the middle school site are being amended, but that the middle school site itself has not been included in the description of "the Property". I suggest that this site be included as well. Similarly, the proffers for the library site are being amended, but the land on which the library is to be located is not included and would not be subject to these proffers. I suggest that the land for the library should also be included in this application.*

The PINs of the tax parcels that include Land Bays 2, 3 and 4, and the library site have been added to the description of "the Property" in the Preamble. An alternative proffer has been developed to address the matter that previously involved the middle school proffer, so the middle school proffer will not be amended and the middle school site does not need to be referenced as part of "the Property."

2. *In further regard to the preamble, I note that while the applicant has referred to the mapping of a portion of the Property to the PD-H4 Zoning District, there is no mention as to how those portions are to be administered. In the initial rezoning for Stone Ridge, it was mentioned that the PD-H4 portion of the Property would be administered as R-8. If that is still the intent, then I suggest that this be clarified.*

The Preamble has been revised to clarify that the PD-H4 district will be administered as R-8.

3. *In regard to proffer I., in the second line thereof, I suggest that the phrase "entitled 'Stone Ridge Commercial ZMAP 2006-0011/ZCPA 2006-0003' and" be inserted following the word "plans".*

The referenced proffer has been revised as suggested.

4. *In regard to proffer I.A., Land Bay 1, I note that the applicant has indicated that this Land Bay may no longer be developed as residential units, but may instead be developed with any other use allowed in the TR1-UBF Zoning District. It is not clear if this proposed language change is intended to mean that if another use is developed then none of the 94 residential units will be constructed, or whether the intent is to allow for a mix of uses. I suggest that this be clarified.*

Proffer I.A. has been revised to clarify that the development of Land Bay 1 will include a minimum of 50 residential units and may include other TR1-UBF uses.

5. *In further regard to proffer I.A., in the last line thereof, the applicant states that the water tank site is identified on the CDP as "PIN: 247-19-1835". However, the site is not so identified on the CDP. Instead it is labeled "Dulles South Water Tank Site". While the PIN is accurate, the statement is not consistent with what is on the CDP. I suggest that this inconsistency be eliminated.*

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Proffer I.A. has been revised to be consistent with the rezoning plan set.

6. *In regard to proffer I.B.1., in the first line thereof, I suggest that the phrase "in Land Bay 5R" be inserted after the phrase "Active Recreation Facility".*

The referenced proffer has been revised as suggested.

7. *In regard to proffer I.C.1.a., in the third line thereof, I suggest that the number "6" be inserted prior to the term "ADUs".*

Inasmuch as Land Bay EE2A and the undeveloped portion of Land Bay EE2 may be consolidated for development purposes, the required number of ADUs may be distributed throughout the consolidated land bay. This proffer has been clarified to state the number of market rate units (84) and ADUs (6) approved for Land Bay EE2A, as well as the total number of market rate units (214) and ADUs (15) permitted within the consolidated area.

8. *In further regard to proffer I.C.1.a., in the sixth line of the proffer, the applicant has indicated that the total contribution for the "consolidated land bay", which I presume means the combined Land Bays EE2 and EE2A, would equal \$12,611 x 84 or \$1,059,324. However, 84 is the number of market rate units in Land Bay EE2A alone, and this proposed contribution would not include any contribution for units in Land Bay EE2. This does not seem appropriate. I suggest that staff review this proposed capital facilities contribution for sufficiency. However, the proffer goes on to state that all market rate units in the consolidated land bay (EE2 and EE2A) beyond the 84 units shall be subject to the capital facilities contribution specified in ZMAP 2002-0013/ZCPA 2002-0004. This amount also appears to be \$12,611 and I do not understand why these units are being treated separately. I suggest that this proffer be clarified.*

This proffer is carried over from ZMAP 2002-0013/ZCPA 2002-0004 and recognizes that previously approved market-rate units under ZMAP 1994-0017 remain subject to the capital facilities contribution proffered with ZMAP 1994-0017, and that the 84 market rate units approved with ZMAP 2002-0013/ZCPA 2002-0004 remain subject to the capital facilities contribution proffered with ZMAP 2002-0013/ZCPA 2002-0004. The proffer is repeated here because the location of Land Bay EE2A is being changed and to better clarify the applicable capital facilities contributions.

9. *In further regard to proffer I.C.1.a., I note that the applicant states that there will be 84 market rate units, apparently in Land Bay EE2A, which leaves 6 ADUs in that Land Bay. However, Note 1 on Sheet 4 does not indicate that any ADUs will be provided in Land Bay EE2A. I suggest that this inconsistency be eliminated. Similarly, the same note fails to mention any ADUs for Land Bay EE2. If there are ADUs in this Land Bay, I suggest that this note be amended to so state.*

As noted above, required ADUs for Land Bays EE2 and EE2A may be distributed throughout the consolidated land bay. This proffer has been clarified.

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10. *In further regard to proffer I.C.1.a., I note that the trigger mechanism is being changed from the first residential zoning permit in Land Bay EE2A to the first residential zoning permit in the consolidated land bay (EE2A and EE2). However, not all of Land Bay EE2 is the subject of this application and it is unclear how this change can be effective against Land Bay EE2 if it is not included within this application. I suggest that the entire Land Bay be included in the application.*

Proffer I.C.1.a. has been revised to clarify that the consolidated land bay consists of Land Bay EE2A and the undeveloped portion of Land Bay EE2, which undeveloped portion has been added to the certified plat and the CDP.

11. *In regard to proffer I.C.1.a.(i), I note that the applicant proposes to construct a clubhouse and swimming pool prior to the issuance of the 80th residential zoning permit in Land Bay EE2A or the 250th residential zoning permit in combined Land Bays EE2 and EE2A. Pursuant to proffer I.C.1.a., Land Bay EE2A is limited to 90 multi-family units, while the CDP states that Land Bay EE2 is limited to 84 multi-family units. If this is the case, then only 174 residential units could be constructed on the combined land bays, and the 250th unit would never be reached. I suggest that the unit counts be clarified.*

Land Bay EE2 is approved for 223 multi-family units, of which 84 have been constructed. The notes on the CDP have been revised accordingly. This proffer has been revised to clarify that the recreational amenities will be constructed prior to the issuance of the 166th residential in the combined area of Land Bay EE2 and the undeveloped portion of Land Bay EE2, which together may have a total of 229 residential units.

12. *In regard to proffer I.D., I note that the applicant is proposing to create a new Land Bay EE1A, which is to be zoned PD-CC(SC). However, the size of this proposed rezoning is only 2.9 acres, while the minimum size for a PD-CC(SC) zoning district is 20 acres. Given the proposed size of the district, it appears that PD-CC(NC) would be more appropriate, and this district allows for the proposed commuter parking lot use as well, although a special exception would be required if this use is to constitute 100% of the uses for the proposed district. I suggest that consideration be given to changing the proposed district to PD-CC(NC).*

As discussed with staff on July 29th, this submission includes a zoning modification for a reduction of the PD-CC(SC) district size. Proposed Land Bay EE1A is a relocation of Land Bay EE1A and the PD-CC(SC) district approved with ZMAP 2002-0013, and is a portion of the original Land Bay EE approved with ZMAP 1994-0017.

13. *In regard to proffer I.E.1., I note that the applicant has created a new subparagraph "a". I question whether there is any intent to have any other subparagraph under proffer I.E.1. Subparagraph "a" addresses Land Bay 8 now, instead of Land Bay 7, as it previously did. So, it begs the question as to whether a subparagraph "b" addressing Land Bay 7 was intended.*

The referenced proffer has been revised to include Land Bay 7 as subparagraph "a" and Land Bay 8 as subparagraph "b".

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14. In further regard to proffer I.E.1., in the last line of subparagraph "a", I suggest that the phrase "as shown on the CDP" be retained.

The suggested phrase has been added to both subparagraphs "a" and "b".

15. In regard to proffer I.E.2., I again note that there is a subparagraph "a" with no other subparagraphs. I question whether there was intended to be another subparagraph "b", perhaps dealing with Land Bay FF2A, as this paragraph only deals with Land Bay FF2B. I suggest that this be clarified.

The subparagraph "a" notation for Land Bay FF2B has been deleted. Subparagraphs "a" through "f" have been added to describe the design standards that will apply to Land Bay FF2B.

16. In regard to proffer I.F., concerning pedestrian access, I suggest that the trail network proposed by the applicant should connect to the stream valley trail proposed in proffer III.B.4. However, no such connection is shown on the CDP. I suggest that this be addressed.

The CDP has been revised to show a trail connection, as suggested.

17. In regard to proffer I.G., concerning the Stone Ridge Development Summary, I note that the amount of office that could be developed in Stone Ridge is now 852,946 square feet. I urge staff to review this level of office development to ensure that the proposed road network is capable of serving it.

The Application's traffic analysis shows that the road network is capable of serving the maximum potential amount of office floor area, which has been recalculated to be 847,406 square feet (including 12,765 sq.ft. of existing by-right PD-OP uses on the former Choi Property, now consolidated in PIN: 205-36-2224) or an increase of 133 square feet over the currently approved total for Stone Ridge combined with the 12,765 sq.ft. of existing by-right PD-OP uses.

18. In regard to proffer II.B.3., I note that in the last line thereof, the applicant states that construction of Route 50 improvements shall commence "prior to the issuance of the first residential zoning permit in Land Bays 1, 2, 3, 4, or 5R". However, in proffer I.A., the applicant indicates that development other than residential may occur in Land Bay 1. If that's the case, it is not clear what will happen in the event that Land Bay 1 develops with other than residential uses. As written, such development will not trigger the Route 50 improvement requirement. I urge staff to review this to determine if non-residential development in Land Bay 1 is acceptable without the Route 50 improvements, or whether non-residential development in Land Bay 1 should also trigger the need for the Route 50 improvements.

As noted above, Proffer I.A. has been revised to clarify that in any event a minimum of 50 residential units will be constructed in Land Bay 1. Therefore, the referenced trigger is valid. Any proposed special exception use in Land Bay 1 will need to address transportation impacts not otherwise mitigated by the proffers.

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19. *In regard to proffer II.B.4.(c), in the ninth line thereof, I again note that a trigger mechanism, this time for intersection improvements to the Route 50/Future West Spine Road Intersection, is based on the issuance of the first "residential" zoning permit in Land Bays 1, 2, 3, 4, or 5R. I again urge staff to review this provision in light of the applicant's proposed change to proffer I.A., and the potential use change in Land Bay 1.*

As noted above, Proffer I.A. has been revised to clarify that in any event a minimum of 50 residential units will be constructed in Land Bay 1. Therefore, the referenced trigger is valid.

20. *In regard to proffer II.B.4.(d)(i), I note that the applicant's agreement to the closure of existing Gum Springs Road/Route 50 intersection requires that VDOT actually accept Stone Springs Boulevard, between Route 50 and the North Collector Road, for maintenance. I suggest that this be changed to "open for use".*

It is our understanding that a replacement road must be accepted by VDOT for maintenance before VDOT will vacate/abandon the existing road. However, the referenced proffer has been revised as suggested.

21. *In regard to proffer II.B.4.(d)(iv), I note that the applicant has stated that the portion of Gum Springs Road between Route 50 and the North Collector Road must be abandoned by VDOT and/or the County before they will agree to the closure of the existing Gum Springs Road/Route 50 intersection. I do not see a connection between the need for such abandonment and the closure of the intersection. I suggest that this item be deleted.*

The referenced proffer mirrors a similar agreement to the closure of the Gum Springs Road/Route 50 intersection made in proffer IV. L. of ZMAP 2006-0007, Glascock Field at Stone Ridge, and is included with the Application as this intersection will be used by portions of the Property. However, the referenced proffer has been revised to eliminate subparagraph (iv) as suggested.

22. *In regard to proffer II.B.6., concerning Millstream Drive Extended, in the first line thereof, I suggest that the phrase "Millstream Drive westward and southward to Tall Cedars Parkway" be changed to "Millstream Drive westward and southward from its current terminus to Tall Cedars Parkway".*

The referenced proffer has been revised as suggested.

23. *In further regard to proffer II.B.6., in the third line thereof, I note that the applicant has proposed that the width of the road will narrow from 64 feet to 52 feet "at its intersection with Tall Cedars Parkway". Usually, roadways widen at intersections to accommodate turn lanes. I urge staff to review the appropriateness of this reduction in roadway width.*

The referenced proffer has been clarified to address potential turn lanes.

24. *In regard to proffer II.B.7., Phasing Plan, I note that the applicant intends to change the restriction on the cumulative number of residential zoning permits for Land Bays 1, 2, 3, 4, and*

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5R. Currently, the restriction limits to 300 the number that can be issued within two years of the approval of ZMAP 2002-0013/ZCPA 2002-0003. However, the applicant proposes to change this to read "prior to the construction of the improvements listed in Phase IIIB of Exhibit B". It is not clear how this change can be made effective against Land Bays 2, 3, and 4, as they are not part of this application. In essence, you would have Land Bays 2, 3, and 4 subject to the two year restriction and Land Bays 1 and 5R subject to the construction of improvements provision. I suggest that Land Bays 2, 3 and 4 be made a part of this application in order to avoid such a split.

Land Bays 2, 3 and 4 have been added to the ZCPA Application for purposes of the proffer amendments only, as suggested.

25. In further regard to proffer II.B.7., I note that the applicant's proposed trigger for construction of improvements in Phase IIIB is the 301st residential zoning permit in the combined Land Bays 1, 2, 3, 4, and 5R. However, if Land Bay 1 does not develop with residential uses, as stated in proffer I.A., then this number will never be reached. Land Bays 2, 3, 4, and 5R, combined, are capped at 289 units, as stated in proffer I.B. I believe that the proposed change to Land Bay 1 causes a serious problem with the proposed Phasing for the entire project. I strongly suggest that changes to the phasing plan and to the trigger mechanism need to be addressed if Land Bay 1 does not develop with residential uses.

As noted above, Proffer I.A. has been revised to clarify that in any event a minimum of 50 residential units will be constructed in Land Bay 1. Therefore, the referenced trigger is valid.

26. In regard to proffer II.C.3.(a), in the third line thereof, I suggest that the word "formerly" be changed to "a.k.a.", as the CDP still refers to "Northstar Boulevard" as Route 659 Relocated, as do numerous references within the proffers.

The referenced proffer has been revised as suggested.

27. In further regard to proffer II.C.3.(a), I note that while dedication of right of way for Route 659 Relocated, from Tall Cedars Parkway to the southern property line is addressed, I do not see any dedication for right of way from Tall Cedars Parkway to the northern property line. The CDP states that this right-of-way is reserved per ZMAP 2002-0013. However, I cannot find such provision in the proffers for ZMAP 2002-0013. I urge staff to be sure that this right of way reservation for future dedication has been adequately addressed.

The CDP for ZMAP 2002-0013 includes a label regarding the referenced right-of-way reservation. The applicable proffer in ZMAP 2002-0013 for this future dedication is II.C.3.(b), which is not being amended with this Application.

28. In further regard to proffer II.C.3.(a), in the last sentence thereof, I note that the applicant has included a provision that addresses the possibility that Land Bay 1 may be developed as other than residential, by including a new, alternative, trigger tied to the first zoning permit issued in Land Bay 1. However, this only addresses this one particular improvement. It does

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not address the entire Phase IIIB situation if Land Bay 1 is not developed with individual residences.

As noted above, Proffer I.A. has been revised to clarify that a minimum of 50 residential units will be constructed in Land Bay 1. Therefore, the commitments in Proffer III.B. are valid.

29. In further regard to proffer II.C.3.(a), the first trigger for the Route 659 Relocated is currently listed as the 301st residential zoning permit in Land Bays 1, 2, 3, 4 or 5R. I suggest that this be changed to read "the 301st residential zoning permit, cumulatively, in Land Bays 1, 2, 3, 4 and 5R".

The referenced proffer has been revised as suggested.

30. In regard to proffer II.F., in the third line thereof, I suggest that the phrase "during site plan review process" be changed to "in conjunction with submission of the first site plan".

The referenced proffer, now Proffer II.F.3., has been revised as suggested.

31. In further regard to proffer II.F., concerning the signal at Stone Springs Boulevard and Millstream Drive, I note that this signal is internal to the development, and I do not understand why the applicant would pay for the signal as opposed to installing the signal. I suggest that this be considered.

The County has previously accepted contributions from others for a signal at this intersection to be installed by the County or VDOT. The offered contribution would be added to the existing funds.

32. In regard to proffer III.A.2., concerning the Middle School Site, I note that the site itself is not part of this application. Therefore, the proposed change to the proffer will not apply to the site itself. I suggest that consideration be given to including the site in this application.

The proffer statement has been revised to forego any changes to Proffer III.A.2.

33. In further regard to proffer III.A.2., I note that throughout the proffer the "Developer" is referenced instead of the "Owner". I suggest that this inconsistency be eliminated.

As noted above, the proffer statement has been revised to forego any changes to Proffer III.A.2.

34. In further regard to proffer III.A.2., I do not understand the applicant's intent. The applicant has proposed that \$550,000 of the capital facilities funds contributed by the Owner may be drawn to finish grade the school site. It is not clear if the intent is for the applicant to provide such funds at the time needed in the event that they have not yet been contributed. Currently, it says that the funds are to be drawn "from the funds contributed" while the applicant then mentions "to the extent the Developer advances such funds" they shall receive a credit against the contributions required by Proffer III.F. I suggest that this be clarified.

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As noted above, the proffer statement has been revised to forego any changes to Proffer III.A.2. The \$550,000 referenced in approved Proffer III.F. is not a credit, but represents a portion of the proffered capital facilities contribution that was earmarked for the grading/site preparation of the middle school site. The only "credit" contemplated was for any additional funds contributed by the Developer, not to exceed \$550,000, to make up a shortfall in collected capital facilities contributions needed to fund the grading/site preparation of the middle school site. No shortfall was encountered, no additional funds from the Developer were needed, and the County today maintains an account with a balance of \$553,465.50.

The applicant then states that "the balance of the \$550,000 shall be used to reimburse either the County or the Developer for the construction of the commuter parking facility on Public Use Site #4". It is not clear if this \$550,000 is sufficient to both grade the school site and pave the parking facility. If it is anticipated that it is, then I suggest that it may be better to simply have the applicant proffer to do both and avoid the confusing aspect of how these funds are to be used to reimburse anyone. The applicant has already indicated the intent to receive a credit for these funds anyway and it is not clear what happens in the event that these funds are not sufficient to do both projects. However, I note that currently there is no mention of this credit in proffer III.F., which deals with the capital facilities contribution and lists all other credits. I suggest that this provision be clarified.

As noted above, the proffer statement has been revised to forego any changes to Proffer III.A.2. The County today maintains an account with a balance of \$553,465.50. Proposed Proffer III.G.4.a. suggests that the left-over funds be used to reimburse the party, either the Owner or the County, that constructs the commuter parking lot. These funds are not referenced in Proffer III.F. because they do not represent a credit, but previously collected capital facilities contributions.

35. *In regard to proffer III.B.1., in the first line thereof, I suggest that the reference to the "Developer" be changed to the "Owner". Additionally, in the second and third lines of the proffer, I suggest that the phrase "shown on Sheets 4 and 5 of the Concept Development Plan" be changed to "shown on the CDP".*

The referenced proffer has been revised as suggested.

36. *In regard to proffer III.B.3., I note that the proposed trigger mechanism for the contribution towards a concession stand at Byrne Ridge Park is the "301st residential zoning permit in Land Bays 1, 2, 3, 4 or 5R". I again point out the problem of this proposed trigger mechanism in the event that Land Bay 1 is developed with other than residential uses, in that there are only 289 residential units planned for Land Bays 2, 3, 4, and 5R combined. I suggest that this be addressed. I also suggest that the term "301st residential zoning permit in Land Bays 1, 2, 3, 4, or 5R" be changed to "301st residential zoning permit, cumulatively, in Land Bays 1, 2, 3, 4, and 5R".*

The referenced proffer has been revised to provide a trigger of prior to the first residential zoning permit in either Land Bay 1, 2, 3, 4 or 5R.

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37. *In further regard to proffer III.B.3., concerning a contribution towards the concession stand at Byrne Ridge Park, I note that this is a new proffer and that it is subjecting Land Bays 2, 3 and 4 to its terms, even though these land bays are not included in this application. I suggest that they be included.*

As noted above, the referenced proffer has been revised to provide a different trigger for this contribution. However, Land Bays 2, 3 and 4 have been added to the ZCPA Application for purposes of the proffer amendments only.

38. *In regard to proffer III.B.4., concerning the grant of an easement within the South Fork of the Broad Run stream valley, I suggest that the existing sanitary sewer line be shown on the CDP, and that the applicant specify from where to where this easement is to be granted. I further suggest that the applicant's internal trail system connect to this easement area and that consideration be given to whether or not to have the easement provide access to the archaeological site 44LD 1187 shown on the CDP.*

The location of the proposed trail easement has been added to the CDP and the internal trail system has been revised to provide a connection to this easement.

39. *In regard to proffer III.C., concerning the Library site, I note that the applicant has proposed that all permits and approvals for the building housing the Library will be obtained prior to approval of the 1,601st residential zoning permit, and that the library will be conveyed to the County on or before June 30, 2011. First, I note that the Library site is not part of this application, so the provision stating that the site will be conveyed prior to June 30, 2011 will not actually apply to the Library itself. I suggest that consideration be given to including the site in this application. Secondly, I note that the two different timing provisions could conflict with each other, depending on how far in advance of June 30, 2011 the 1,601st residential zoning permit is issued. I urge staff to ascertain whether this is a potential problem or not.*

The library parcel has been added to the ZCPA Application for purposes of the proffer amendments only. In regard to timing, all approvals for building the library have already been obtained and the building permit issuance is pending. The proffered completion date of June 30, 2011 includes ample time to complete the library shell construction.

40. *In regard to proffer III.F., in the eleventh line thereof, I suggest that the definition of "Net Contribution" is inaccurate. I suggest that the phrase "the Gross Contribution less the" be inserted following the phrase "The Net Contribution shall be". Additionally, in the fourteenth line of the proffer I suggest that the term "3#" be changed to "#3". Finally, I believe that the Net Contribution would equal \$12,602,774 minus the 11,271,300 credit for a total of \$1,331,474, and not the stated amount of \$11,271,300, which equals the capital facilities credit. I suggest that this be clarified.*

The referenced proffer has been revised as suggested.

41. *In further regard to proffer III.F., in the sixteenth line of the proffer, I suggest that the phrase "and the remaining Net Contribution balance" can be deleted.*

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The referenced phrase has been deleted as suggested.

42. *In further regard to proffer III.F., in the last line thereof, I suggest that the reference to "ZMAP 2002-0011/ZCPA 2002-0004" be changed to "ZMAP 2002-0013/ZCPA 2002-0004".*

The referenced proffer has been revised as suggested.

43. *In regard to proffer III.G.3.a., in the first line thereof, I suggest that the word "Extended" be inserted, following the phrase "Millstream Drive".*

The referenced proffer has been revised as suggested.

44. *In regard to proffer III.G.3.b., in the sixth line of the proffer, I suggest that the word "Extended" be inserted following the phrase "Millstream Drive".*

The referenced proffer has been revised as suggested.

45. *In regard to proffer III.G.4., in the fourth line thereof, the applicant states that the zoning for the Public Use Site #4 would be PD-IP. However, I believe that the correct zoning would be either PD-CC(SC) or PD-CC(NC), but not PD-IP. I suggest that the correct zoning be referenced.*

As discussed with staff, the zoning for Public Use Site #4 has been changed to PD-CC(SC) and a modification for a reduction of the minimum district size has been requested with this submission.

46. *In regard to proffer III.G.4.a., I note that the applicant has indicated the intent to construct 100 parking spaces on Public Use Site #4 at such time as development occurs on Land Bay EE2A. The applicant has indicated that they "shall be entitled to reimbursement of the construction costs from the funds referenced in Proffer III.A.2." However, it is not clear whether those funds are sufficient to cover the costs of the school grading for which they are to be provided and to reimburse the applicant. It is not clear what is to happen if those funds are not sufficient. I suggest that this be clarified.*

As discussed with staff on July 29th, the available funds from approved Proffer III.A.2., approximately \$553,465.50, are sufficient to cover the costs of the commuter parking lot construction.

47. *In further regard to proffer III.G.4.a., I note that while the Public Use Site #4 is to be conveyed to the County, the applicant shall be responsible for ordinary maintenance, landscaping, trash collection and snow removal, while the County shall be responsible for all other maintenance and repair. I question how this arrangement is going to work, how it is going to be documented, and who is to be responsible for the applicant's duties once the applicant has finished with development of the Property. I suggest that these matters be clarified.*

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The referenced proffer has been revised to state that the maintenance responsibilities will be made part of the deed of conveyance, which will be joined by the commercial owners association.

48. In regard to proffer VI.C.1., in the first line thereof, I suggest that the phrase "on the Property" be inserted following the word "outfalls".

The referenced proffer has been revised as suggested.

49. In regard to proffer VII.C., concerning the linkage between the commercial and residential uses, I note that the applicant has proposed amending the current requirement. I do not see how you can have one standard for the Property and another for the balance of Stone Ridge. I suggest that the change not be made.

Proffer VII.C. has been revised to address this concern.

50. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

Comment acknowledged.

Loudoun County Public Schools (comments dated 7/6/09)

School Board staff has reviewed the third submission and offers no further comment. The applicant's commitment to constructing a pedestrian system that connects the residential areas with both Arcola Elementary School and Mercer Middle School is noted and appreciated.

Comments acknowledged.

Proffer Matrix Team, Office of Capital Construction (comments dated 7/8/09)

Proffer II.B.6. *Staff recommends that an additional trigger be included to provide for the realignment and construction of Millstream Drive westward and southward to Tall Cedars Parkway as depicted on the CDP. Staff recommends that an option exist for the construction of Millstream southward to Tall Cedars Parkway independent of the County's request for this road, so that construction of this road segment can also occur to provide access to Land Bay 8 in the event this land bay will be developed prior to the County developing the 5.60 acre Public Use Site. Please consult with OTS regarding the appropriate phasing and construction of realigned Millstream Drive.*

Proffer II.B.6 has been revised to provide for the commencement of construction of Millstream Drive extended at the earlier of (i) within 6 months of notification by the County that access for Public Use Site #3 is needed, or (ii) the approval of a site plan for Land Bay 8.

Proffer III.G. *Please revise the proffer statement to stipulate that all permanent water and sewer, underground telephone, electric, gas, cable, broadband and telecommunication lines will*

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be provided to the proffered Public Use Site, at no cost to the County, prior to the dedication of the site to the County. To ensure all public water and sewer are being provided to the site at no cost to the County, staff requests that the Applicant pay for all tap fees and hookup charge backs to access the public water and sewer systems at the Public Use Site. The proffer statement also needs to stipulate that the proffered Public Use Site will be excluded from the Owner's Association.

Proffer III.G.3.a. has been revised to provide for the extension of electric, gas and telecommunication lines, as well as the extension of public water and sewer, to Public Use Site #3 and for the granting of other easements at no cost to the County. As discussed with staff, the County does include tap fees and utility hook-up charges in its capital budget estimates and are factored into the anticipated capital facilities contribution; therefore, these costs are accounted for. Proffer III.G.3. also has been revised to exclude this site from the owner's association.

Proffer III.G.4. *Please revise the first sentence of this proffer to provide that the conveyance of Public Use Site #4 to the County will be 2.9012 acres zoned PD-CC-SC as shown on Sheet 5 of the CDP.*

The referenced proffer has been revised as requested.

Please clarify in Proffer III.G.4.a whether the amenities to be provided in the proffered Commuter Parking Lot will include bicycle racks.

The referenced proffer has been revised to include bike racks for at least 10 bikes.

Proffer VI.B.1. *Please clarify whether or not the Applicant is requesting to receive a credit on their open space contributions to complete all new trail segments as depicted on the CDP. It is not clear to staff if the Applicant is requesting credits on open space contributions for specific trail segments, or for all trail segments depicted on the CDP that currently are not constructed.*

The Applicant is not requesting a change in the previously approved trail construction credit specified in Proffer VI.B.1. Accordingly, Proffer VI.B.1. has been removed from the proposed amended proffers and will remain in effect for the Property. However, for Proffer VI.B.3. has been added to clarify that the trail locations shown on the proposed CDP will apply to the Property.

Proffer VI.B.2. *Please revise the last sentence of this proffer to provide "Such contributions shall escalate each year in accordance with increase in the Consumer Price Index, and shall be utilized to defray the costs of acquiring and/or improving County Parks in the Dulles Planning Subarea."*

No changes are proposed to Proffer VI.B.2., and it has been removed from the proposed proffer statement.

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Department of Fire, Rescue and Emergency Management (comments dated 7/9/09)

Staff concurs with the referral submitted by the Proffer Matrix Group regarding Proffer III.G.4 and respectfully requests that the applicant revise the proffer statement to reflect the recommendations of the proffer matrix group.

Comment acknowledged.

Virginia Department of Transportation (comments dated 7/21/09)

1. All traffic signals and signal modifications associated with this application are to be borne by the applicant. Verbiage to this effect should be included in the proffers including the associated warrant analyses. The intersection of particular interest has Level of Service (LOS) "F" on the side streets and is the following:

a. Stone Springs Boulevard/Tall Cedars Parkway

The warrant analyses proffered with ZMAP 1994-0017 have been completed and signal warrants for this intersection were not met. This Application does not result in any additional traffic at this intersection. Nevertheless, Proffer II.F.4. has been added to provide for a warrant analysis for this intersection following the extension of Tall Cedars Parkway to Lenah Road and, if a signal is warranted, to provide a contribution to the County for the construction of a signal.

2. Please see the attached memo dated 7/16/09 from Mr. Arsalan Faghri of VDOT's Traffic Engineering Section regarding the Traffic Impact Study Update (TIS).

We are pleased that Mr. Faghri finds the updated TIS acceptable.

3. Please see the attached e-mail dated 7/13/09 from Rahul Trivedi, P.E., of VDOT's Transportation Planning Section.

We are pleased that Mr. Trivedi finds the updated TIS acceptable.

Environmental Review Team, Department of Building and Development (comments dated 7/22/09)

1. The Statement of Justification information regarding Land Bay 1 does not cover the removal of open space corresponding to the southern portion of the tributary that parallels Northstar Boulevard. As shown on sheets 10 and 12, the current proposal allows for a road and lots to impact the stream area. Staff does not support this layout change and recommends that the tributary be included as open space, as previously approved, and identified as a tree conservation area to ensure its protection.

The CDP has been revised to reflect the approximate tree conservation areas depicted on the CDP approved with ZCPA 2002-0004/ZMAP 2002-0013. There are no new impacts to the existing stream area.

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2. The application has not demonstrated compliance with the "no net loss to wetlands in the County" policy. Please identify the location of the mitigation and provide a copy of the approved wetland permit authorizing the impacts. If mitigation is proposed outside of Loudoun County, staff recommends that the permit be modified to provide mitigation within Loudoun County.

The changes proposed with this Application will not increase the amount of wetlands impacts beyond what has already been permitted by the COE under permit #2007-964 (copy enclosed).

3. With this submission, the tree conservation area located along the western side of landbays 7 and 8, adjacent to the stream, has been removed from the rezoning plan set. To better protect the stream corridor, including adjacent steep slopes, please depict this area as a tree conservation area.

The referenced area is outside the limits of this Application and remains a commitment, but has been depicted on the CDP.

4. Existing Proffer VI.A. does not adequately protect steep slopes and the stream corridor as it relates to the construction of proposed Millstream Drive. Staff recommends that the applicant commit to: 1) no land disturbing activities within the 50-foot management buffer; and 2) for all land disturbing activities on moderately steep slopes outside the 50-foot management buffer, strict erosion and sediment control practices such as super silt fence for all silt fence application; stabilizing matting; and phasing development to avoid extensive areas of disturbance for extended periods of time.

Millstream Drive previously was shifted to the east to address this concern. In addition, Proffer II.B.6.(a). has been added to incorporate staff's recommendations.

5. To demonstrate compliance with Section 5-1508 of the Revised 1993 LCZO, please update sheets 4-13 with the current LOGIS steep slopes layer. Alternative steep slope depictions should only be provided when based on more detailed topographic information (i.e. 2-foot topography).

The steep slope areas shown on the Existing Conditions Map are based on 2-foot contours obtained from aerial photography. Please see Note 17 on the Cover Sheet.

6. Two small areas located along the north side of South Point Drive have been identified as tree conservation areas on sheets 5, 11 and 13. To better illustrate the location of the proposed tree conservation areas in relation to existing vegetation, please provide the current LOGIS forest cover layer on sheets 4-7 and 10-13. The forest cover currently depicted on the plan set does not reflect existing conditions in the area of South Point Drive. Attachment A depicts the approximate location of the mature oak trees.

At staff's request, the trees on the north side of South Point Drive were field located and the depiction of these treed areas on the CDP is more accurate than the LOGIS forest cover layer. The two tree conservation areas referenced represent areas where the Applicant is confident that desirable trees can be saved. These areas are shown in more detail on Sheet 5.

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Adherence to the area shown on staff's Attachment A would severely limit the development potential of this office landbay. We note that Proffer VI.G. does not limit the extent of tree conservation areas to those shown on the CDP. Final site design may allow for other tree areas to be preserved, although this area is impacted by sewer line construction.

7. The statement of justification refers to mature trees that will screen the light-industrial area proposed along Millstream Drive from the residential uses. Staff recommends that the mature trees be identified as tree conservation areas on the CDP.

The Statement of Justification has been revised to clarify this matter. As noted above in the response to comment #3, the previously approved tree conservation area to the west of Land Bays 7 and 8 is outside the limits of this Application, but has been depicted on the CDP.

8. This application proposes to revise Proffer VI.G and excludes the "General Tree Protection" and "Long-Term Care" paragraphs that were provided in the existing proffer approved as part of ZMAP 2002-0013/ZCPA 2002-0004.

The proposed proffers do not exclude the General Tree Protection and Long Term Care provisions of the approved proffer VI.G. The Proffer Statement preamble clearly states that all previously approved proffers continue to apply to the Application property except as specifically amended with the Application. The referenced sections of proffer VI.G., subparagraphs 1 and 2, are not included in the proposed Proffer Statement because they are not being amended.

9. Proposed Proffer VI.G refers to a tree conservation area with the PD-H4 landbay, which is Land Bay 5R. However, the CDP does not include a tree conservation area within that landbay. Also, the tree conservation area located southwest of Land Bay FF1A is not located within the R-24 landbay limits as described in the proposed proffer.

Proffer VI.G. has been revised to remove the references to specific zoning districts and land bays. The CDP has been revised to depict an additional tree save area on the east side of Land Bay 5R.

10. The CDP identifies a tree conservation area corresponding to the existing SWM/BMP pond located northeast of the library site. Please correct this discrepancy.

The CDP has been revised as requested.

11. The northeastern SWM/BMP facility in Land Bay 1 is located on-line with a jurisdictional stream, which is problematic. On-line SWM/BMP facilities are typically not permitted by the Corps and DEQ.

The location of the SWM/BMP facility in Land Bay 1 has been discussed with the Corps and DEQ, who have agreed that the location is acceptable and have issued permits.

12. Staff recommends removing the "Proposed HOA Recreation Facility" exclusion, related to the 36-foot buffer yard with 6-foot berm and Type 1 rear buffer yard plantings, from existing

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Proffer VI.E., consistent with the notation on sheets 4, 5, and 10-13. Also, existing Proffer VI.E. requires the applicant, during the subdivision review process, to engage an acoustical engineer to address compliance with the RGP's highway noise policies with respect to Route 659 Relocated and Tall Cedars Parkway. Staff recommends that the proffer be revised to commit to a noise study to be submitted to the County for review and that the study be based on the most recent, applicable forecasted traffic volumes available from OTS and the ultimate design speed of the specified roadways. Staff further recommends that the timing be changed to construction plan or site plan to allow noise analysis to be based on final topography.

No changes are proposed to approved Proffer VI.E. As depicted on the revised CDP, the Proposed HOA Recreation Facility has been relocated to the north away from Tall Cedars Parkway. A copy of the proffered noise study previously submitted to the County is enclosed.

Parks, Recreation and Community Services (comments dated 7/24/09)

6. and 7. Previous Comments: PRCS respects the Applicant's desire for the passive park in the TR-1 UBF land bay between Goshen Road and future Relocated Route 659 to remain an HOA amenity, much like the passive area in the existing Land Bay ZZ Open Space. Staff commends the Applicant for retaining and protecting the stream valley for passive parkland and open space. However, Staff requests more information concerning the proposed amenities within the passive HOA park, such as trails, etc. Furthermore, Staff requests that a public access easement be located along the South Fork Broad Run stream valley to facilitate a future, natural-surface trail to connect with other future public trail segments upstream and downstream. Staff will contact the Applicant to set up a meeting to further discuss the matter.

Applicant Response: *The Applicant has no plans to construct amenities within the HOA open space adjacent to the South Fork of Broad Run and intends to maintain it in its natural condition. However, the Applicant will proffer to grant the County a 10-foot wide public access easement within the stream valley within or adjacent to the existing sanitary sewer easement, subject to Loudoun Water approval, for a future County trail system. Please see Proffer III.B.4.*

Issue Status: *Staff recommends that the Applicant revise Proffer III.B.4 to state, "The Owner shall grant to the County a 30-foot wide public access easement within the South Fork of Broad Run stream valley for a future County trail coincident with or adjacent to the existing sanitary sewer easement at the time of Record Plat approval of the subject area. The Owner will coordinate with location of the public access easement with the Department of Parks, Recreation and Community Services and Loudoun Water, and will prepare and record the requisite deed and plat at no cost to the County."*

Proffer III.B.4. has been revised provide the requested 30-foot wide public access easement.

8. Previous Comment: Staff requests the opportunity to discuss with the Applicant potential options for providing a much-needed restroom facility at Byrne's Ridge Park. Applicant Response: Staff may contact the Applicant at any time to discuss this matter. Issue Status: PRCS has been in preliminary discussions with the Applicant concerning a potential restroom/concessions facility at Byrne's Ridge Park after the Applicant's presentation to County

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staff on April 2, 2009. PRCS is requesting the Applicant consider the opportunity to proffer this additional amenity or a monetary contribution for the future construction of this facility. PRCS can provide additional information concerning specifics of the facility in a future meeting and Staff will contact the Applicant to set up a meeting to further discuss the matter.

Applicant Response: *The Applicant will contribute \$75,000 to the PRCS for improvements at Byrne's Ridge Park. Please see Proffer III.B.3.*

Issue Status: *PRCS appreciates the Applicant's generous contribution toward the addition of a concession stand and restrooms at Byrne's Ridge Park. However, Staff notes that the proffers tied to permits in land bays are extremely difficult for PRCS to track and verify. PRCS recommends that the Applicant revise Proffer III.B.3, sentence 2, to state, "The contribution shall be paid within 30 days of zoning application approval."*

The Applicant has revised Proffer III.B.3. to provide this contribution prior to the issuance of the first residential zoning permit in Land Bay 1, 2, 3, 4 or 5R.

New Comment: 9. *In conjunction with Zoning Administration's Proffer Review Comments 16 and 38, PRCS recommends that the Applicant revise Sheet 10 of the CDP to graphically delineate the proposed public stream valley trail easement, as well as its connection to the rest of the pedestrian network throughout the Stone Ridge community.*

The CDP has been revised to depict the location of the trail easement.

Zoning Administration, Department of Building and Development (comments dated 7/24/09)

1. *The R-24 zoning district must be located in areas abutting arterials and major collector roads. The proposed district is not located adjacent to any road.*

The proposed R-24 district has been relocated to abut Tall Cedars Parkway, a major collector road.

2. *Demonstrate conformance with Section 3-708(C) for Land Bay 6.*

The open space and buffer yard requirements of Section 3-708(C) are not applicable because the R-24 district adjoins a PD-H4 land bay administered as R-8 that is proffered for townhouse uses with required ADUs and that has an allowable lot size of less than 8,000 square feet.

3. *Demonstrate conformance with Section 3-702 for Land Bay 6.*

The CDP depicts the pedestrian system that will link the R-24 district with the nearby employment, shopping and community support services. Stone Ridge is served by public transit and this application will provide an additional commuter parking facility near the R-24 district.

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4. With regard to Section 3-708(B), staff asks that either detailed drawings be submitted with this application, or provide a note that this requirement will be evaluated at the time of site plan.

A note has been added to the CDP as requested.

5. The Applicant is proposing to rezone a portion (2.9 acres) of MCPI #204-26-3927 from R-16 to PD-CC(SC) and depict this as Land Bay EE1A on the CDP (Sheet 5). It should be noted that the minimum size required for a PD-CC(SC) zoning district is 20 acres and that the PD-CC(SC) zoning district requires access to a major collector road.

As discussed with staff on July 29th, the referenced 2.9 acres was part of the original PD-CC(SC) district approved with ZMAP 1994-0017. With this submission we have included a zoning modification to allow a smaller district size and to incorporate this area with the existing PD-CC(SC) district, which does have access to a major collector road.

6. Demonstrate conformance with Section 3-606 regarding proposed R-16 Land Bay EE2A.

The R-16 district rezoning represents a relocation of a portion of the existing R-16 district from the west side of Land Bay EE2A to the east side in order to accommodate the location of the County-requested commuter parking facility proximate to the existing commuter parking facility. The entire R-16 district is proximate to major collector roads, is served by public transit, and is linked to nearby employment, shopping and community support services by a pedestrian system depicted on the CDP.

7. Provide the active recreation space tabulation for Land Bay EE2A on the CDP (Sheet 5).

The active recreation tabulation has been added to the CDP.

8. On Sheet 5, in the Zoning Tabulation for Land Bay EE2A, include the maximum units per building as stated in Section 3-607(C).

The requested information has been added to the Zoning Tabulation.

9. Demonstrate compliance with Section 3-608(C) regarding Land Bay EE2A.

The open space and buffer yard requirements of Section 3-608(C) are not applicable because the proposed R-16 district adjoins an existing R-16 district proffered for multi-family uses with required ADUs and that has an allowable lot size of less than 8,000 square feet.

10. With regard to Section 3-608(B), staff asks that either detailed drawings be submitted with this application, or provide a note that this requirement will be evaluated at the time of site plan.

A note has been added to the CDP as requested.

11. On the CDP, clarify and label the "public use" proposed for Public Use Site #3 in Land Bay 7. Clarify the location of the commuter site on the CDP. If Public Use Site #3 is for a fire and

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rescue station, and a special exception will be filed at a later date, include a note to that effect on the CDP and label the fire/rescue use on the CDP.

As discussed with staff on July 29th, it is the County's preference that the intended public uses not be labeled on the CDP to avoid doing a ZCPA in case the public use changes.

12. Zoning defers to Community Planning to determine if the proposed PD-OP zoning district along Route 50 (Land Bay FF2B) is compatible with the Comprehensive Plan.

In its comments dated July 31, 2009, Community Planning reported that the proposed PD-OP district is consistent with the Comprehensive Plan.

13. A minimum yard of 15 feet is required adjacent to the CLI zoning district (and Land Bay FF2B) pursuant to Section 4-305(B)(3). Depict this requirement on the CDP (Sheet 5) adjacent to the CLI zoning district to the east (MCPI #204-39-8271).

The CDP has been revised to depict the requested yard requirement.

14. Staff asks that the Applicant provide a detailed illustrative of the proposed design of the PD-OP district and demonstrate how such design conforms to the requirements of Section 4-307.

Conformance with the Use Limitations of Section 4-307 will be demonstrated at the time of site plan and a note to this effect has been added to the CDP.

15. Depict the required Type 5 Buffer Yard along Route 50 on the CDP.

The CDP has been revised to depict the Type 5 Buffer Yard.

16. Pursuant to Section 4-305(B), a minimum yard of 100 feet adjacent to the R-24 zoning district (and Land Bay FF1A) to the south of the PD-OP district is required. Please depict this required yard on the CDP.

The 100-foot and 50-foot setbacks from the R-24 district have been labeled on the CDP. It is noted that the centerline of proposed Southpoint Drive represents the PD-OP/R-24 boundary.

17. The area of land between Land Bay 5R and 6 (Stone Carver Road) is proposed to be vacated. Please clarify if this area is included and counted in the calculation of open space. Staff also asks that the Applicant clarify regarding similar areas between other land bays as well.

The referenced area is not included or counted as open space. The land bay limits run to the respective zoning district boundaries.

18. On Sheet 4 (Land Bay 5R), the Applicant notes a 36 foot high noise buffer adjacent to Tall Cedars Parkway. It is not clear if this is what the Applicant intends to provide. Pursuant to approved Proffer VI.E., a 36 foot wide buffer yard measured from the edge of dedicated right-of-

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way, a six foot high fence and Type 1 rear buffer yard plantings are required along Tall Cedars Parkway. Please depict this requirement along Tall Cedars.

The labeling on the CDP was partially obscured, but has been corrected to clarify that this is a 36-foot wide noise buffer.

19. On the CDP (Sheet 5), clarify that Land Bay 5R is proposed to rezone to PDH-4 administered as R-8 to avoid confusion, since there are other land bays that are proposed as straight residential (R) districts.

The CDP has been revised as requested.

20. As depicted on the CDP, there are areas between land bays that are not part of any land bay. Staff questions if all those areas are included towards open space. To avoid confusion, staff recommends that those areas be consolidated into open space Land Bays like Land Bay ZZ (shown on the CDP).

As noted open, such areas are not included as open space, but are part of the respective land bays, the limits of which run to the zoning district boundaries.

21. Staff questions if the area between Land Bay 6 and Land Bay 5R is proposed to be open space when the road is vacated. It appears that currently it is proposed to be included in neither of the two land bays.

As noted open, such areas are not included as open space, but are part of the respective land bays, the limits of which run to the zoning district boundaries.

22. On Sheet 5 (CDP) Land Bay EE2A is shown as subject to ZCPA. However, on Sheet 3 it is depicted that 2.1 acres of this land bay is proposed to be rezoned from PD-CC(SC) to R-16. The legend needs to be corrected on both sheets to indicate that this land bay is subject to both ZMAP and ZCPA.

The note on the CDP has been revised to address this comment.

23. On Sheet 4 of the rezoning plans, in the Zoning Modification section, please correct the reference from PD-SC to PD-CC(SC) zoning district, as this is the correct zoning district.

The notation on Sheet 4 has been revised as requested.

Proffers:

1. With regard to the Preamble in paragraph 2, Staff asks the Applicant to include the Land Bays associated with the zoning districts for ease of clarification.

The Land Bay designations have been added to the Preamble as requested.

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2. The proffers for the library site are being amended, but the rezoning plan sheets do not indicate this. Clarify on the Certified Plat (Sheet 3) that the library site is included in the ZCPA application.

The library parcel, Land Bay FF2A, has been identified on Sheet 3 as being part of the ZCPA Application for purposes of the proffer amendments only.

3. The proffers pertaining to the middle school site are also being amended. Please depict this on the Certified Plat and include the school site in the description of the property.

As discussed with staff on July 29th, the middle school proffer will not be amended.

4. In the Proffer Statement (redlined version), staff recommends that for any proffer that is proposed to be amended, the whole proffer is included, and not just the paragraph that is proposed to change. This enables staff to review the proffer in its entirety.

In order to avoid confusion on the redlined version as to what sections of the approved proffers are being removed rather than just not being amended, we have provided a separate consolidated version of the approved proffers for staff's use.

5. With regard to Proffer III.G.4, the Applicant is proposing conveyance of a commuter parking lot in land zoned PD-IP (Public Use Site #4). However, in the CDP (Sheet 5), the Public Use Site is shown on Land Bay EE1A which is proposed to be rezoned to PD-CC(SC). Correct/clarify this inconsistency.

Proffer III.G.4. has been revised to note the correct zoning district, PD-CC(SC).

6. In the Preamble, paragraph 2, line 10 (redlined version), the Applicant should clarify the proposed rezoning to PD-H4 will be administered as R-8, as it is confusing and appears that the PD-H4 proposed zoning will be administered as R-24, when the intent is to propose rezoning to PD-H4 and R-24 zoning districts.

The Preamble has been revised as requested.

7. In the Preamble, paragraph 2, the Applicant should include that it is requesting zoning ordinance modification for the PD-CC(SC) zoning district.

The Preamble has been revised as requested.

8. Correct Proffer I.A. to indicate that the LCSA site pin number is shown on Sheet 2, not Sheet 4 of the CDP.

Proffer I.A. has been revised to address this comment.

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9. *With regard to Proffer I.A., it is not clear if the intent is to proffer 94 residential units or, in the event that other non-residential use is located on the site, then there will be no residential units in Land Bay 1. As currently written, the proffer is confusing. Clarify.*

Proffer I.A. has been revised to clarify that the development of Land Bay 1 will include a minimum of 50 residential units and may include other TR1-UBF uses.

10. *With regard to Proffer I.C.1.a., the Applicant implies that there will be 6 ADU proposed in Land Bay EE2A, while Note #1 on Sheet 4 does not reference this Land Bay for ADU. Correct/clarify this inconsistency.*

Proffer I.C.1.a. has been revised to clarify the Applicant's intent.

11. *With regard to Proffer I.E.1., it appears that a paragraph is missing that explains the proposed use, square footage, etc., of Land Bay 7. Clarify.*

The use of Land Bay 7 has been added as Proffer I.E.1.a.

12. *With regard to Proffer II.B.7., the Applicant notes that no more than 300 residential zoning permits within combined Land Bays 1, 2, 3, 4 and 5R may be issued prior to the construction of the improvements listed in Phase III.B of Exhibit B. However, Land Bays 2, 3, 4 and 5R are capped at 289 units. Considering the statement in Proffer I.A., Land Bay 1 may never be developed with residential units, in which case the 300 unit trigger will never be reached. Please revise this Proffer to ensure that the improvements in Phase III.B are met through the phasing plan.*

As noted above, Proffer I.A. has been revised to provide a minimum of 50 units in Land Bay 1 so that the 300 unit trigger will be realized.

13. *With regard to Proffer III.B.3., the Applicant is subjecting this new proffer and tying it to developments in Land Bays 2, 3 and 4, which are not included in this application. Please include these land bays with this ZCPA application.*

Land Bays 2, 3 and 4 have been added to the ZCPA Application for purposes of the proffer amendments only.

14. *With regard to the library site Proffer III.C., there are two timing triggers – one prior to the 1601st residential zoning permit and the other, a date certain of June 30, 2011. Staff questions if there is a potential conflict with the two timings.*

The referenced triggers pertain to two distinct events, permit approval and project completion, so there is no conflict. In regard to timing, all approvals for building the library have already been obtained and the building permit issuance is pending. The proffered completion date of June 30, 2011 includes ample time to complete the library shell construction.

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15. With regard to Proffer III.B.4., Staff questions if the land referenced here should be included in the ZCPA application, since this is a new proffer added with this application.

The land areas impacted by the proposed trail easement have been added to the ZCPA application.

16. With regard to Proffer VI.G., "Tree Conservation Area", staff recommends that the Applicant include paragraphs 2 and 3 to the proffer for ease of review and reference.

As noted above, we have provided a separate consolidated version of the approved proffers for staff's use.

Zoning Modifications

(i) Section 3-509(C), R-8 District. The Zoning Ordinance requires that a minimum permanent open space of 50 feet with a Type 2 Buffer Yard is required between Land Bay 6 and Land Bay 5R. It is not clear how the proposed modification to reduce the permanent open space to 10 feet with a Type 1 buffer will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff asks the Applicant to address this and to include materials demonstrating how the modification will be used in the design of the project. Further, Staff asks that the Applicant provide an exhibit to depict the location and extent of the modification request. Staff cannot support the modification request at this time.

This modification has been removed from the Application as it is not applicable when the adjoining residential land bay allows a minimum lot size of less than 6,000 square feet, which is the case for the adjoining R-24 (ADU) district.

(ii) Section 4-110(I), PD-H District. The Zoning Ordinance requires that a minimum permanent open space of 50 feet with a Type 2 Buffer Yard is required between Land Bay 6 and Land Bay 5R. It is not clear how the proposed modification to reduce the permanent open space to 10 feet with a Type 1 buffer will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff asks the Applicant to address this and to include materials demonstrating how the modification will be used in the design of the project. Further, Staff asks that the Applicant provide an exhibit to depict the location and extent of the modification request. Staff cannot support the modification request at this time.

We have provided an exhibit of the requested setbacks between the PD-H4 and R-24 districts on Sheet 15 of the Plans to demonstrate the application of this modification. We have also clarified that a Type 1 front yard buffer will be added on the R-24 side of the street.

(iii) Section 4-205(C)(1)(c), PD-CC(SC) District. Zoning Ordinance Section 4-205(C)(1)(c) states "...No building, parking, outdoor storage areas for collection of refuse or loading areas shall be permitted closer than (35) feet to any road right-of-way, except as provided in Section 4-206(E). No parking, outdoor storage, areas for collection of refuse or loading space shall be

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permitted in areas between buildings and streets where such uses are visible from any road." The Applicant is proposing to reduce this setback to 25 feet. It is not clear how the proposed modification to reduce the setback to 25 feet will achieve an innovative design, improve upon existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff further noted that adjacent Land Bay DD maintains a setback of 35 feet. Staff asks the Applicant to address this and cannot support the modification at this time.

This modification has been removed from the Application.

(iv) Section 4-205(C)(2), PD-CC(SC) District. Zoning Ordinance Section 4-205(C)(2) states "...No building, parking, outdoor storage areas for collection of refuse or loading areas shall be permitted closer than (100) to any agricultural districts, any existing or planned residential district, or land bays allowing residential uses. No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses or areas are visible from said agricultural and residential areas." The Applicant is proposing to reduce this setback to 20 feet. The Applicant states that the modification will facilitate the design and implementation of the commuter parking facility. Staff questions the extent and location of the proposed modification and asks that the Applicant provide further clarification. Again, it is not clear how the proposed modification to reduce the setback from 100 to 20 feet will achieve an innovative design, improve upon existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff further noted that adjacent Land Bay DD maintains a setback of 35 feet. Staff asks the Applicant to address this and cannot support the modification at this time.

This same modification was approved with ZMAP 2002-0013/ZCPA 2002-0004 when the use of the PD-CC(SC) land bay was contemplated to be a restaurant use which, arguably, has the potential for more impacts on an adjacent residential area than a commuter parking lot. Nevertheless, the modification has been revised to increase the proposed setback to 25 feet and the buffer yard to a Type 4.

(v) Section 4-505(B)(2), PD-IP District. Zoning Ordinance Section 4-505(B)(2) states "... No building, outdoor storage, areas for collection of refuse or loading area shall be permitted closer than (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than 60 feet to any such districts and uses..." With this application, the Applicant is proposing a rezoning of a portion of approved Land Bay DD (PD-IP) to PD-H4 and R-24 zoning districts to allow for a transfer or relocation of residential units from the western side of the power line easement to the eastern side to consolidate residential units to create a cohesive residential community along this portion of the development. The Applicant is also proposing a Type 3 Buffer Yard of twenty-five feet in width supplemented to include 8 evergreen trees per linear foot to be maintained within Land Bay DD adjacent to Land Bays 5R and 6. Staff can support this modification request.

Comment acknowledged.

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Community Planning, Department of Planning (comments dated 7/31/09)

A. Land Use

Suburban Policy Area. The land use mix between the previously approved ZMAP 2002-0013 and the proposed ZMAP 2006-0003 are consistent with each other and no employment related area has been lost. Further, the application is proposing to rezone additional CLI zoned property along Route 50 to PD-OP. This issue is resolved.

Comment acknowledged.

Transition Policy Area. Staff requests that the applicant clarify if it is the intent of the proffer amendment to allow for a mix of uses (residential and special exception uses) or if it will be limited to one or the other.

As noted above in the response to Larr Kelly's proffer comment # 25, Proffer I.A. has been revised to clarify that a minimum of 50 residential units will be constructed in Land Bay 1, which may also include other permitted and special exception uses.

B. Fire and Rescue Public Use Site

The revised application proposes a site that is more appropriate in size and location for a fire and rescue station and that is more in keeping with the County's Capital Facility Standard for Fire and Rescue stations. This issue is resolved.

Comment acknowledged.

C. Existing Conditions

1. Forests, Trees, and Vegetation. Staff continues to recommend that the tributary in Land Bay 1 be included as open space and identified as a tree conservation area as previously approved to ensure its protection.

As noted above in the response to ERT comment # 1, the CDP for Land Bay 1 has been revised to reflect the approximate tree conservation areas depicted on the CDP approved with ZCPA 2002-0004/ZMAP 2002-0013. There are no new impacts to the existing stream area.

Staff recommends that the tree conservation area be re-established between Land Bays 5R and 6 as shown on prior application materials.

The CDP has been revised to include a tree conservation area on the east side of Land Bay 5R. In addition, the revised CDP also depicts the previously approved tree conservation area to the west of Land Bays 7 and 8 that is outside the limits of this Application.

Staff recommends that the application be revised in accordance with ERT's recommendations dated 7/22/09 related to tree conservation areas.

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As noted in the response to ERT, the General Tree Protection and Long-Term Tree Care provisions of Proffer VI.G. are not being amended and will remain in force with respect to the Property.

2. Steep Slopes. Staff concurs with ERT's recommendations dated 7/22/09 and continues to recommend that Millstream Drive be designed to minimize impacts to moderately steep slopes and that commitments be made to protect the steep slope areas and adjacent floodplain and stream during construction activities.

Millstream Drive has previously been shifted further away from the steep slope area in response to Staff comments. Any disturbance within the 50-foot management buffer will be limited to allowed utility and storm drainage extensions.

3. Wetlands. Staff concurs with ERT's recommendations dated 7/22/09 regarding wetland permits and mitigation prioritization.

As noted above in the response to ERT comment # 2, this Application proposes no increase in wetlands impacts beyond what has already been permitted by the COE and DEQ.

D. Site Design

Staff continues to request more detail for the PD-OP area as to the proposed building design, loading areas, lighting, signage and usable outdoor spaces for this application along with commitments to ensure compliance with the Plan policies for the Route 50 Corridor.

To ensure compliance with the Plan policies for the Route 50 Corridor, Proffer I.E.2. has been revised to clarify that the PD-OP land bay will be developed in compliance with the Route 50 Design Guidelines and with specific design standards comparable to those previously approved in Proffer VII.B. of ZMAP 1994-0017 for the PD-CC(SC) area of Stone Ridge. A "green building" design standard has also been added to this proffer. An illustrative layout for the PD-OP land bay has been added to the Application plan set.

E. Capital Facilities

An appraisal of the proposed public use sites is necessary to complete the review of the Capital Facilities proffer amendments for this application.

Appraisals for the public uses sites will be provided prior to the Board of Supervisors public hearing, in accordance with County policy.

G. Open Space Preservation Program

The application has been revised and is proposing no changes in residential acreage, unit number, unit type or density with this application, therefore the previously proffered open space contribution for 133 easements shall be retained. This issue is resolved.

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Comment acknowledged.

Community Information and Outreach, Department of Planning (comments dated 8/11/09)

Staff notes that the type of protective fencing used around archaeological sites is usually plastic, orange silt/snow fencing, which has been found not to be effective in protecting archaeological resources. Staff currently requests that proffer language stipulate the use of demountable metal (chain link type) fencing to demarcate the known boundaries of the site plus an additional 100 foot buffer to ensure that there is an adequate barrier between the site and earth moving activities. Staff recommends that the previously approved proffer related to site 44LD1187 be amended to include this specific protective fence type.

Proffer VI. H. has been revised to require a chain link fence to be placed 50 feet from the known boundaries of site 44LD1187 prior to the commencement of construction activities for adjacent Northstar Boulevard and Tall Cedars Parkway. Any land disturbance required within the fenced area will be coordinated with the County to ensure the protection of the archeological site.

Further, staff recommends that there is some assurance that site 44LD1187 will be maintained and conserved in perpetuity under the stewardship of the HOA. Staff recommends that the applicant proffer specific language in the HOA documents stipulating that the passive park containing site 44LD1187 be left forested and that no removal of trees, clearing or grading for recreational paths, playground equipment and the like commence without prior consultation with the County Archaeologist.

Site 44LD1187 is within a proffered tree conservation area. Revised Proffer VI. H. provides for the requested consultation with the County prior to any disturbance within the fenced area around the archeological site.

AZS

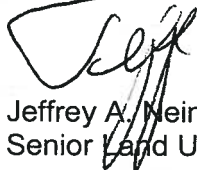
Stephen Gardner
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We believe this response letter, the draft proffers, the revised Statement of Justification and the amended Application plans address all remaining staff comments. We look forward to the Planning Commission public hearing in October.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Cooley Godward Kronish LLP



Jeffrey A. Mein, AICP
Senior Land Use Planner

Enclosures

cc: Roy R. Barnett, Van Metre Companies
Brian Martin, P.E., Urban, Ltd.
Antonio J. Calabrese, Esq., Cooley Godward Kronish LLP

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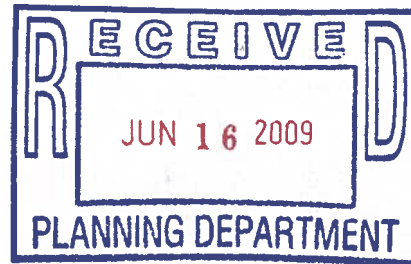
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BY HAND DELIVERY

June 16, 2009

Stephen Gardner
Project Manager
Department of Planning
1 Harrison Street, S.E., 3rd Floor
Leesburg, Virginia 20177-7000



**RE: ZMAP 2006-0011/ZCPA 2006-0003, Stone Ridge Commercial
Third Submission and Response to Second Review Comments**

Dear Stephen:

We are pleased to submit the revised ZMAP/ZCPA application for Stone Ridge Commercial with the program changes we have discussed over the past several months. The main elements of this revised application are as follows:

- elimination of the previously proposed additions to existing CLI zoning districts (PD-IP and PD-OP district additions are proposed, instead),
- adjustments to maintain approved balance of residential and employment land areas,
- additional tree conservation areas,
- contribution for a traffic signal at Stone Springs Boulevard and Millstream Drive,
- relocation of a public use site for a potential fire & rescue station,
- commitment to dedicate public use site for future commuter parking lot,
- commitment to grant public access easement for future stream valley trail, and
- contribution for amenities at Byrne's Ridge Park.

Enclosed with this submission are 17 copies each of the revised Statement of Justification, the draft proffer statement and a comparison with the approved proffers, and 4 copies of the updated traffic study. Seventeen copies of the revised Application plan set will be delivered to you under separate cover.

The staff review comments are addressed below in chronological order. Each agency's comments are summarized (noted in *Italics*) and followed by our response.

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Environmental Health (comments dated 2/13/09)

This Department reviewed the package provided to this office and the plat prepared by Urban dated January 2009 and has no comments to the proposal.

Response acknowledged.

Loudoun County Public Schools (comments dated 3/4/09)

School Board staff has reviewed the revised zoning map and zoning concept plan amendment application for Stone Ridge Commercial. As no additional residential units are proposed with the revised application, staff is not providing a project assessment. Staff will note that the Stone Ridge developer has provided land for Mercer Middle School and the new Arcola Elementary School. In order to ensure that students residing in Stone Ridge can safely walk to and from school and/or school bus stop locations, pedestrian walkways should be provided and allow for public access easements.

The Applicant has constructed a pedestrian system that connects the residential areas with Mercer Middle School and Arcola Elementary School. Additional trails and sidewalk connections are provided with this Application.

Virginia Department of Transportation (comments dated 4/9/09)

1. Eliminate the newly proposed right-in/right-out access point to Route 50.

Both the previously proposed access on Route 50 and proposed Land Bay 9 have been eliminated and are reflected in the revised TIA.

2. The traffic impact study (TIA) needs to be revised to include a "Recommendations" Section. A complete and thorough review cannot be conducted until this aspect of the TIA is completed. Receipt of this information may generate additional comments.

A revised TIA is included with this submission and includes the requested section.

3. All traffic signals and signal modifications costs associated with this application are to be borne by the applicant. Verbiage to this effect should be included in the proffers including the associated warrant analyses. The intersections of particular interest have Level of Service (LOS) "F" on the side streets and are the following:

- 1. Stone Springs Boulevard/Tall Cedars Parkway*
- 2. Stone Springs Boulevard/Millstream Drive*

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The Stone Ridge proffers approved with ZMAP 1994-0017 include a commitment (Proffer II.F.2.) to study on-site signalization needs at the time of preliminary subdivision submission. The required studies were performed and concluded that VDOT signal warrants would not be met for the referenced intersections through the buildout of the project. Nevertheless, the Applicant has committed to provide a signal warrant analysis for the Stone Springs Boulevard/Millstream Drive intersection and to contribute \$250,000 for a signal if warranted.

4. The north-south traffic volume on Gum Spring Road, Route 659, is significant. If the complete Future Route 659 West Spine Road is not open to traffic by the time South Point Drive connects to existing Route 659, Gum Spring Road, then left and right turn lanes will be required on existing Route 659, Gum Spring Road.

Comment acknowledged. The Southpoint Drive connection to existing Route 659 will include any required turn lanes if the connection of Southpoint Drive is made prior to the opening of the West Spine Road to vehicle traffic.

5. Please see the attached memorandum dated 3/19/09 from Mr. Arsalan (Alex) Faghri of VDOT's Traffic Engineering Section regarding the TIS dated January 26, 2009. These comments indicate that the TIS needs correction and resubmission:

1. All VDOT comments dated September 29, 2006 still applies. Please modify study to address those comments.

The referred to comments were based on the traffic study prepared in July 2006. Since that time the site development densities, background data assumptions, existing traffic information, and improvement data have changed. As evidenced in the 2006 report, the anticipated site changes were expected to increase peak hour trips by 200 to 250 vehicles. The current development program results in a minimal increase of only 35 to 60 peak hour trips. Therefore, since the impacts and background information have changed, a point-by point response to these comments has not been provided. The revised TIA has been designed to adequately address them.

2. Please justify 2% growth rates.

Previous studies of Stone Ridge and others in Dulles South utilized a one (1) percent growth rate. This rate was increased to 2 percent based on discussions with VDOT planning staff (Cina Dabestani) to account for "through traffic growth" within the U.S. Route 50 corridor, and was not mentioned in his specific comments for this project. The amount and magnitude of other specific background developments included as part of the study account for localized growth expected in the study area.

6. Please see the attached memorandum dated Friday, April 3, 2009 from Mr. Cina Dabestani of VDOT's Transportation Planning Section. These comments indicate that the TIS needs correction and resubmission:

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1. *Page 12 – Other Approved Developments – South Riding and South Village developments are way out of the area to have any impact on this study. These two development should not be included as the background traffic generator impacting roadways that are impacted by the development (Stone Ridge Commercial).*

The revised TIA eliminates these developments from the background trip generation.

2. *Page 22 – Trip Distribution Analysis – Assumption of the distribution will stay the same is FALSE. There is no support provided for such assumption other than stating other previous studies were the base!! It is incomplete without showing what studies show for distribution patterns.*

Since major portions of Stone Ridge are constructed, the existing traffic count data was reviewed and compared to the trip distributions used in the study. The results show that the existing traffic distributions are consistent with those utilized in the study, noting that separate distributions were used for various land uses rather than a single distribution.

3. *Page 27 – 2030 Loudoun County Model Analysis – This section provides the raw & unadjusted traffic assignment of Loudoun County Model without any analysis. Raw and unadjusted traffic volume are very misleading in this case, VA 606 relocated just to the south of US 50 is shown to carry 63,731 ADT when VA 659 (Gum Spring Road) parallel to VA 606 relocated is shown to carry 93,693. A review of these numbers reveals adjustments are needed as part of VA 606 will make up Dulles Airport's "loop" along with VA 28 and US 50 which is expected to have heavier traffic volume than VA 659 (Gum Spring Road). Loudoun County's model has been updated with round 7.1 land use for the horizon year 2030 which is close enough for 22 years plus buildout year, fulfilling the requirements on study's of this magnitude.*

The original traffic scoping agreement for this project did not indicate the need to prepare a buildout plus 10 (or 22-year) condition since the original traffic report identified improvements under long-range conditions. The modeled volumes were provided by OTS and represent the best available information at the time the traffic report was prepared and were intended for informational purposes, not for analytical purposes. Updated volumes have been requested and will be included in the revised TIA if received from OTS when the revised report is published.

4. *This report does not provide any 2030 traffic impact analysis as the original did not either. US 50 is a NHS and long range impact analysis are a requirements by FHWA which VDOT oversee.*

See response 3.

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Parks, Recreation and Community Services (comments dated 4/13/09)

1. *Previous Comment: Please provide proffers for review. Applicant Response: Draft proffers are provided with this submission. Issue Status: Resolved.*

Comment acknowledged.

2. *Previous Comment: The Applicant should demonstrate how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in eastern Loudoun. Applicant Response: The Application has been revised to propose no increase in the number of previously approved residential units for Stone Ridge. All residents of Stone Ridge have access to private recreational amenities. Issue Status: Resolved, due to the removal of the previous request for additional residential units.*

Comment acknowledged.

3. *Previous Comment: Commercial, office and industrial developments based on their zoning are potential areas where facilities such as athletic fields (lighted) could be co-located. Applicant Response: Stone Ridge has previously dedicated the County's 25-acre Byrne's Ridge Park on Stone Springs Boulevard, as well as the Mercer Middle School and Arcola Elementary School sites, all of which have several athletic fields. Issue Status: Resolved. PRCS appreciates the Applicant's previous contributions to active recreation facilities.*

Comment acknowledged.

4. *Previous Comment: PRCS recommends that all internal sidewalks be a minimum of 5 feet. Applicant Response: Comment acknowledged. Issue Status: Resolved.*

Comment acknowledged.

5. *Previous Comment: On Sheet 8 of the Concept Plan, the Applicant is proposing an extension of the trail system throughout the Stone Ridge community. PRCS requests the Applicant to provide a typical section, including width and surface type, of each of the types of trails proposed and their locations. PRCS recommends that the trail proposed along Tall Cedars Parkway be a 10-foot wide, paved shared bicycle/pedestrian trail, and that the trail along the South Fork Broad Run be a natural pedestrian only trail. Applicant Response: The width and surface type of the proposed trails will be consistent with FSM requirements and will be determined at the time of site development to be consistent with the existing trail network within Stone Ridge. Issue Status: Resolved.*

Comment acknowledged.

6. and 7. *Previous Comments: PRCS would like to discuss with the Applicant a potential opportunity for dedication of the South Fork Broad Run flood plain to the County as a linear*

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stream valley park. Staff is currently coordinating with other proposed area project applicants on both sides of the South Fork Broad Run for a potential contiguous linear stream valley park. Applicant Responses: Staff may contact the Applicant at any time to discuss this matter. It has been the Applicant's intent to retain the passive park in the TR-1UBF land bay as an HOA amenity. Issues Status: PRCS respects the Applicant's desire for the passive park in the TR-1 UBF land bay between Goshen Road and future Relocated Route 659 to remain an HOA amenity, much like the passive area in the existing Land Bay ZZ Open Space. Staff commends the Applicant for retaining and protecting the stream valley for passive parkland and open space. However, Staff requests more information concerning the proposed amenities within the passive HOA park, such as trails, etc. Furthermore, Staff requests that a public access easement be located along the South Fork Broad Run stream valley to facilitate a future, natural-surface trail to connect with other future public trail segments upstream and downstream. Staff will contact the Applicant to set up a meeting to further discuss the matter.

The Applicant has no plans to construct amenities within the HOA open space adjacent to the South Fork of Broad Run and intends to maintain it in its natural condition. However, the Applicant will proffer to grant the County a 10-foot wide public access easement within the stream valley within or adjacent to the existing sanitary sewer easement, subject to Loudoun Water approval, for a future County trail system. Please see Proffer III.B.4.

8. Previous Comment: Staff requests the opportunity to discuss with the Applicant potential options for providing a much-needed restroom facility at Byrne's Ridge Park. Applicant Response: Staff may contact the Applicant at any time to discuss this matter. Issue Status: PRCS has been in preliminary discussions with the Applicant concerning a potential restroom/concessions facility at Byrne's Ridge Park after the Applicant's presentation to County staff on April 2, 2009. PRCS is requesting the Applicant consider the opportunity to proffer this additional amenity or a monetary contribution for the future construction of this facility. PRCS can provide additional information concerning specifics of the facility in a future meeting and Staff will contact the Applicant to set up a meeting to further discuss the matter.

The Applicant will contribute \$75,000 to the PRCS for improvements at Byrne's Ridge Park. Please see Proffer III.B.3.

Proffer Matrix Team, Office of Capital Construction (comments dated 4/7/09)

Proffer I.C.1.a. Please make sure the CDP labels Land Bay EE2A and Land Bay EE2B.

The reference in Proffer I.C.1.a. to Land Bay EE2B has been revised to Land Bay EE2 to be consistent with the CDP.

Proffer I.E.b and Proffer III.F. The proffered Public Use Site in Land Bay 8 is approximately 3.37 acres and does not meet the County's capital facility standard of 5 acres for a Fire & Rescue Station; therefore the Applicant is not eligible to receive a capital facilities credit for the

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proffered site. Please revise these sections of the proffer statement to eliminate the capital facilities credit for the Public Use Site in Land Bay 8.

The CDP has been revised to designate a potential fire and rescue station site in Land Bay 7 that will satisfy the County's capital facility standards for public use sites.

Proffer II.B. *Please revise this proffer to state "...prior to the issuance of any zoning permits for the residential units in Land Bays 1, 2, 3, 4 **or** 5."*

The referenced proffer has been revised as requested.

Proffer III.C. *Please revise the 2nd sentence to state "... of a four-story office building to be constructed on Land Bay **FF2A.**"*

The referenced proffer has been revised as requested.

Typically, all County-owned facilities and public use sites proffered to the County are excluded from any Owner's Associations. In this case, the County is being proffered a portion of an office building proposed to be within an office condominium. Please consult with the Office of the County Attorney to review the Condominium Association documents and agree to their provisions prior to the approval of this zoning amendment application.

The Library Board and the County Attorney's office are aware that the County's portion of the office building will be part of a condominium association. The applicable condominium documents have been submitted to the County Attorney's office for review.

Proffer III.G. *Please revise the proffer statement to provide that "The Owner shall convey to Loudoun County Land Bay 8, shown on Sheet 4 of the CDP, within 60 days of the County's request for conveyance of the Public Use Site. The County may request conveyance of the Public Use Site immediately upon approval of ZMAP 2006-0011."*

Proffer III.G.3 has been revised to reflect the Applicant's commitment for the conveyance of Public Use Site #3, now located in Land Bay 7, to the County.

The County is not in favor of accepting a site where its ability to use the site is limited or restricted. Please revise the proffer statement to state the Applicant's preference is a Fire & Rescue Station.

Proffer III.G.3 has been revised to remove the reference to a fire and rescue station.

The usable acreage of the site is approximately 2.5 acres once all setbacks and environmental constraints are established. These physical constraints limit the County's ability to develop the site as a Fire & Rescue Station.

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The site for a potential fire and rescue station has been relocated to Land Bay 7 to address this concern.

Please revise the proffer statement to address the following concerns regarding the Public Use Site:

1. The timeframe in which Millstream Drive would be relocated.

Proffer II.B.6 provides the timeframe for the construction of relocated Millstream Drive.

2. The ultimate elevation of Millstream at the proposed entrance to the facility for evaluation of grading impacts. Site development may require a minor retaining wall along the northern slope.

The site for a potential fire and rescue station has been relocated to Land Bay 7 to address this concern.

3. The current layout accounts for a site elevation delta of approximately 12 feet. The current layout would require approximately 6 feet of cut adjacent to Tall Cedars with 6 feet of fill along the northern side adjacent to the wetlands.

The site for a potential fire and rescue station has been relocated to Land Bay 7 to address this concern.

4. Final storm water management requirements for the site and any impacts that relocated Millstream would have on drainage.

The relocated public use site within Land Bay 7 meets the minimum 5-acre criteria and is large enough to accommodate storm water management requirements. Relocated Millstream Drive will not impact site drainage.

5. Due to extensive forest cover, buffering requirements should be minimal so long as selective clearing is imposed.

The relocated public use site in Land Bay 7 is not heavily wooded.

6. The site will most likely accommodate only one entrance onto Millstream which would have to be shared by Fire and Rescue operations as well as the public.

The site for a potential fire and rescue station has been relocated to Land Bay 7 to address this concern.

The proffer statement needs to stipulate that all permanent utilities will be provided to the Public Use Site, at no cost to the County, prior to the dedication of the site to the County. Staff

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requests that the Applicant pay for all tap fees and hookup charge backs to access the public water and sewer systems at the Public Use Site.

The Applicant will extend sanitary sewer and water lines to points 10 feet within the public use site in Land Bay 7. Please see Proffer III.G.3.a.

The County requests that the Applicant not use the proffered Public Use Site for staging, dumping, or other activities prior to conveyance of the site to the County.

Proffer III.G.3.a. provides for the rough grading of Land Bay 7, at the Applicant's option, and for construction activities associated with relocated Millstream Drive. All other activities within the public use site area are prohibited without County approval.

The Applicant's proffered site will be evaluated for suitability by the County against Loudoun County's Usable Land Criteria for Public Use Sites, and must meet these criteria. The usable acreage must be exclusive of the encumbrances and conditions listed in the Criteria. The Applicant shall prepare and issue a report that demonstrates that the proposed site meets each of the Criteria.

The Applicant has evaluated Public Use Site #3 with respect to the Usable Land Criteria and finds that the site has no regulatory wetlands, no hydric soils, no steep slopes, no existing stormwater management facilities, will not be impacted by road dedications, has no archeological sites, no rare and endangered species, no scenic creek valley buffers, is outside the Ldn 60 airport noise contour, is not impacted by existing easements, will have frontage on and access to a VDOT road (Millstream Drive), both public water and sewer will be extended to the site, other permanent utilities are available, will have pedestrian access and exceeds the 5-acre minimum size requirement.

Park & Ride Lot. *The County's CIP calls for the expansion of the current Park & Ride Lot at Stone Ridge in the FY 09-14 timeframe. From the County's perspective, the ideal location for the expansion of the Park & Ride Lot is directly across Millstream Drive from the current Park & Ride Lot in Land Bay EE2. The County requests that the Applicant consider proffering an additional 100 parking spaces in the immediate vicinity of the current Park & Ride to accommodate additional patrons of the Commuter Bus Service.*

The Applicant has designated a site, Public Use Site #4, to be conveyed to the County for a 100-space park and ride facility. Please see Proffer III.G.4.

The general location of the facility is to be depicted on the CDP and the Proffer Statement must indicate that the location of the proposed Park & Ride facility will be reviewed and accepted by County Staff prior to Site Plan approval. If the facility is not dedicated to the County, the County requests that the Applicant provide public access easements on the Park & Ride facility. Language should be included related to the ongoing maintenance of the lot to include lighting, bus shelter maintenance, asphalt/pavement, pavement markings, and snow removal.

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The location of Public Use Site #4, depicted on the CDP, has been reviewed by staff and acknowledged to be acceptable. The Applicant has committed to provide ordinary maintenance of landscaping, trash collection and snow removal. Please see Proffer III.G.4.a.

The Applicant may claim a credit towards their regional transportation contribution for constructing the Park & Ride facility.

The Applicant will claim a credit of \$989,000 against the capital facilities contribution for this 2.9012 acre public use site.

HOA. *Please stipulate that all sidewalks and trails, other than those located on the Public Use Site, will be maintained by the HOA. The HOA will also be responsible for the maintenance and landscaping of all common areas and open space, trash removal and recycling services, snow removal, and the maintenance of private roads.*

All sidewalks and trails located within public rights-of-way are maintained by VDOT. The HOA is responsible for the maintenance of the common areas and for other services as stipulated in the existing Stone Ridge proffers, Proffer V.

Recycling *Recycling is mandatory in Loudoun County per Chapters 1084 and 1086 of the Loudoun County Codified Ordinance. Additionally, developers and contractors are encouraged to establish a recycling plan for recyclable materials that will be generated during land clearing, construction and demolition.*

Comment acknowledged.

Litter Control and Prevention. *Construction sites are required to have separate receptacles for construction waste and workers' litter per Chapter 1088.08(b) of the Loudoun County Codified Ordinance.*

Comment acknowledged.

Department of Fire, Rescue and Emergency Management (comments dated 4/13/09)

The Applicant has proffered a 3.376 acre parcel for public use (less than the endorsed Service Plan's requirement of 5 acres). Staff is concerned that the size of the parcel would not be enough to accommodate all the program requirements, and ensure adequate circulation and deployment of emergency vehicles.

The Applicant has met with County staff to review an alternative site and has provided a site of approximately 5.6 acres within Land Bay 7 that will accommodate the needs of the Department. Please see Proffer III.G.3.

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The Department has no immediate plans to construct an additional fire station as it is not part of the current CIP or CNA documents. The proffer site at Stone Ridge can be considered for a future station since it would benefit delivery service as it improves response times and alleviates some existing coverage voids.

The Applicant has proffered to convey Public Use Site #3 to the County within 12 months of the approval of this Application so that it is available to the County when needed.

Staff concurs with the referral submitted by the Office of Capital Construction/Proffer Matrix Group regarding the timing of conveyance, any additional site work that would be performed prior to conveyance, timing of utilities, site issues, etc. Staff respectfully requests that the Applicant revise the proffer statement to reflect the recommendations of the proffer matrix group regarding the before mentioned issues.

The relocated and enlarged site will conform with the County's development requirements.

Zoning Administration, Department of Building and Development (comments dated 4/15/09)

II. Conformance with §6-1211 Zoning Map Amendments

1. Section 6-1211(E)1 – Whether the Proposed Zoning District Classification is consistent with the Comprehensive Plan. Zoning defers to Community Planning for comment.

The requested zoning districts are consistent with the Revised General Plan's Business community designation for this area and are expansions of existing zoning districts within Stone Ridge.

2. Section 6-1211(E)4 – Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned. Staff defers to Community Planning, OTS, School Board, Library Services, and Parks and Recreation.

All infrastructure needed to support this Application is either in place or is provided by the Application.

3. Section 6-1211(E)6 – The effect of uses allowed by the proposed rezoning on the structural capacity of the soils. According to County records, hydric soils (types 66A and 69A) are present in the rezoning area and the applicant has identified wetland areas. Development of the site should consider these areas with respect to grading and the construction of buildings and infrastructure.

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Development of the Property will conform with all applicable hydric soils regulations. The requisite wetland permits have been obtained. The proposed rezoning areas are currently approved for comparable levels of development.

4. *Section 6-1211(E)7 – The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas. Staff would recommend more specific measures to mitigate the impact of construction traffic on the surrounding area. The applicant should also address how construction traffic will enter and exit the property during construction. Zoning Staff defers to OTS and VDOT for comments on the impact of the rezoning proposal on the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.*

An updated TIA that addresses traffic volumes for the rezoning area is included with this submission. The proposed rezoning areas are all internal to Stone Ridge and are currently approved for comparable levels of development.

5. *Section 6-1211(E)9 – The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality. The site contains areas of major and minor floodplain. Staff recommends that the Applicant identify areas of existing vegetation that will be preserved and show such areas on a proffered plan.*

The development of the Property will not impact any floodplain areas. Tree conservation areas are depicted on the CDP.

III. Conformance with PD-H4 Zoning District (4-100)

The rezoning plan set should state in the Notes section that Land Bay 5R and portion of Land Bay ZZ will be rezoned from PD-IP to PD-H4 and will be developed in accord with all regulations for the PD-H4 zoning districts. All subsequent Subdivision Plans or Site Plans must show how the PD-H4 zoning district requirements are met.

The rezoning plan set includes tables that describe the proposed zoning district changes for each subject parcel and land bay. Please see Sheets 2 and 5. All subsequent subdivision and site plans will demonstrate compliance with the PD-H4 district zoning requirements.

1. *Please note that Tall Cedars is a public road and has no zoning designation. As such, please remove the proposed zoning for Tall Cedars.*

All existing public streets within Stone Ridge are mapped. The proposed changes to the existing right-of-way zoning have been tabulated separately and the right-of-way areas have not been included in any land bay area or in any open space tabulation.

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2. *The proposed PD-H4 district may be approved as a logical extension of the existing PD-H4 district. Staff asks that the Applicant address the requirements of Section 4-103 of the Ordinance, Timing of Development.*

The proposed PD-H4 district is a relocation of a PD-H4 district, with the same number and type of dwelling units, previously approved under ZMAP 2002-0013/ZCPA 2002-0004. This area is served by existing streets, utilities, public facilities, private amenities, and shopping and employment areas.

3. *Please demonstrate compliance with Section 4-110(I). If providing the 50-foot permanent open space with Type 2 Buffer Yard, depict this on the CDP adjacent to the R-16 district on the east and north.*

A modification of Section 4-110(I) is requested with this submission.

4. *On the CDP, note the minimum requirement of 30% open space for the PDH district (Section 4-111(A)). Also depict the proposed open space for the same.*

The PDH district requirements are provided on Sheet 5 of the CDP. The 30% open space requirement is satisfied by the HOA recreation facility and by the PDH-4 portion of Land Bay ZZ, as depicted on Sheet 11.

5. *The Applicant should demonstrate conformance with Section 4-110 at the time of site plan.*

Comment acknowledged.

6. *Include proposed Land Bay ZZ (MCPI 204-46-2780) in the Density Exchange Table on Sheet 5. Staff recommends separating Land Bay ZZ to the south and north of Millstream Drive. Do not include the road in the calculation of open space.*

A revised Density Exchange Table is provided on Sheet 5. Open space calculations do not include any existing road areas.

IV. Conformance with R-8 District (§3-500) & (§7-800)

The rezoning plan set should state in the Notes section that Land Bay 5R and portion of Land Bay ZZ will be developed in accord with all regulations for the R-8 zoning districts. All subsequent Subdivision Plans or Site Plans must show how the PD-H4 zoning district requirements are met.

The plan set notes that Land Bay 5R will be administered as R-8. Land Bay ZZ remains as open space and will not be developed. All subsequent subdivision and site plans will demonstrate compliance with the PD-H4 district zoning requirements.

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1. *On Sheet 5, please add Section 3-500 as there are requirements of this section that apply in addition to those of Section 7-800.*

The applicable R-8 district requirements have been added to Sheet 5 as requested.

2. *On the CDP, depict the Lot and Building requirements of the R-8 ADU Section 7-803, such as lot size, lot width, yards and lot coverage.*

The Section 7-803 requirements are included with the R-8 district requirements on Sheet 5.

3. *On the CDP, correct the minimum required amount of active recreation space to 14,000 square feet. Also denote the proposed amount of active recreation space for this district and depict the location and type of such active recreation space. Demonstrate that such active recreation space is accessible to all residents by means of internal pedestrian walkways (7-803(E)).*

The active recreation tabulation on Sheet 5 has been corrected as requested. Pedestrian access to the active recreation areas, as well as the type of active recreation amenities, will be demonstrated at the time of site plan. This land bay also includes a proffered HOA active recreation facility that includes a swimming pool, tennis court and community building.

4. *On the CDP, depict the building requirements of the R-8 district pursuant to Section 3-508.*

The R-8 district requirements are provided on Sheet 5.

5. *On Sheet 5, depict the maximum length/width ratio as required by Section 3-506(D).*

The R-8 district requirements are provided on Sheet 5.

6. *Clarify that Land Bay EE2 to the east and Land Bay 6 to the north are not proposed for minimum allowable lot size of 6,000 square feet or greater. Otherwise a permanent open space buffer of 50 feet in depth with a Category 2 Buffer Yard must be provided (Section 3-509(C)) adjacent to those land bays.*

A zoning modification request for Section 3-509(C) is included with this submission.

III. Conformance with R-16 District

The rezoning plan set should state in the Notes section that Land Bay 6 and a portion of Land Bay ZZ will be developed in accord with all regulations for the R-16 zoning district. All subsequent subdivision plans and site plans must show how the R-16 zoning district requirements are met.

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Land Bay 6 is now proposed as an R-24 district. All subsequent subdivision and site plans will demonstrate compliance with the R-24 district zoning requirements.

1. On Sheet 5, please add Section 3-600 as there are requirements of this section that apply in addition to those of Section 7-900.

As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 zoning district requirements are provided on Sheet 5.

2. On the CDP, depict the Lot and Building requirements of the R-16 ADU Section 7-903, such as lot size, lot width, yards and lot coverage.

As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 district requirements are provided on Sheet 5.

3. On the CDP, denote the proposed amount of active recreation space for this district. Demonstrate that such active recreation space is accessible to all residents by means of internal pedestrian walkways (7-903(E)). Designate on the CDP the location and types of active recreation uses and include this in the Proffer Statement.

As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 district requirements are provided on Sheet 5.

4. On the CDP, depict the building requirements of the R-16 district pursuant to Section 3-607.

As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 district requirements are provided on Sheet 5.

5. Demonstrate conformance with Section 3-602 regarding pedestrian linkages to employment and shopping centers. This Section also requires that the district is served or planned to be served by public transit or designated for public transit in the Comprehensive Plan.

As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 district requirements are provided on Sheet 5.

6. On Sheet 5, note the maximum permitted density of 19.2 dwelling units per acre in the R-16 zoning district (§ 7-901).

As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 district requirements are provided on Sheet 5.

7. On Sheet 5, depict the maximum length/width ratio as required by Section 3-606(D).

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As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 district requirements are provided on Sheet 5.

8. With regard to Section 3-608(B), staff asks that either detailed drawings be submitted with this application or provide a note that this requirement will be evaluated at the time of site plan.

As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 district requirements are provided on Sheet 5.

9. Include a note on the CDP that residences to be served by private roads shall be subject to a recorded covenant regarding the private maintenance of such roads (Section 3-610(C)).

As noted above, Land Bay 6 is now proposed as an R-24 district and the R-24 district requirements are provided on Sheet 5.

VI. Conformance with R-24 District (§3-700) & (§7-1000)

1. On Sheet 5, please add Section 3-700 as there are requirements of this section that apply in addition to those of Section 7-1000.

This correction has been made to the R-24 district regulations on Sheet 5.

2. On the CDP, Exhibit A (Sheet 5), in the Minimum Lot Requirement for R-24, the minimum lot width is repeated twice. Correct this.

The requested correction has been made.

VII. Conformance with the PD-IP, Planned Development-Industrial Park District (§4-500)

The rezoning plan set should state in the Notes section that Land Bay 7 will be developed in accord with all PD-IP regulations. All subsequent subdivision plans or site plans must show how the requirements of this zoning district are met.

The CDP designates Land Bay 8 for development under the PD-IP regulations. All subsequent subdivision plans and site plans will demonstrate compliance with the PD-IP zoning requirements. Land Bay 7 is currently zoned PD-IP and is not being rezoned with this Application.

1. A special exception application is required for the proposed fire and rescue station in Land Bay 8. Please label the fire and rescue use on the CDP.

A special exception application will be filed when the County is ready to proceed with plans for the fire and rescue station. The location of Public Use Site #3, the site of a future fire and rescue station, is depicted on the CDP within Land Bay 7.

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2. Please demonstrate conformance with Section 4-501.

Conformance will be demonstrated at the time of site plan review.

3. Zoning defers to Comprehensive Planning regarding the consistency of the proposed PD-IP district with the Comprehensive Plan. In addition, Section 4-502 requires that incremental additions to an existing PD-IP district must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

The proposed PD-IP district, Land Bay 8, is a relocation of an existing PD-IP area within Stone Ridge and is located adjacent to another existing PD-IP district. This PD-IP area is being relocated to the west side of the power lines to provide a consolidated residential area on the east side of the power lines and to solidify the residential character of Tall Cedars Parkway. PD-IP districts are consistent with the RGP's Business Community designation for this area.

4. A minimum yard of 75 feet is required adjacent to the PD-H4 zoning district (Section 4-505(B)(2). Depict this requirement adjacent to the PD-H4 zoning district to the west, or request a modification of this section.

A modification of the referenced section is included with this submission.

5. Depict the minimum yard of 15 feet adjacent to the CLI district on the north (Section 4-505(B)(3)).

The PD-IP district requirements are provided on Sheet 4 of the CDP.

6. In the Density Exchange Table on Sheet 5, Staff questions if it is the Applicant's intent to limit the maximum floor area ratio (FAR) for the public use site to 0.3 and the square footage to 44,060 square feet.

Proffer III.G.3. specifies that the 5.595-acre Public Use Site #3 in Land Bay 7 will have a floor area of 73,115 square feet, an FAR of 0.30 as per the current proffers for Land Bay 7.

7. Staff asks that the Applicant provide a detailed illustrative to demonstrate compliance with Sections 4-505(B)(4) and 4-507 or provide a note stating that these requirements will be met at site plan.

Notes have been added to the CDP stating that compliance with all applicable zoning ordinance regulations will be demonstrated at the time of site plan.

8. On Sheet 4, note the maximum lot coverage and building height as required by Ordinance as well as maximums proposed by the Applicant for the PD-IP district (§4-506(A) & §4-506(B)).

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The PD-IP zoning regulations and the proposed lot coverage and building height are provided on Sheet 4.

9. *On Sheet 4, include a note stating the minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot (§ 4-507(B)).*

The PD-IP zoning regulations provided on Sheet 4 note that the minimum landscaped open space is 0.20 times the buildable area of the lot.

VIII. Conformance with the PD-OP, Planned Development-Office Park District (§4-300)

The rezoning plan set should state in the Notes section (Sheet 4) that Land Bay FF2B will be developed in accord with all PD-OP regulations. All subsequent subdivision plans or site plans must show how the requirements of this zoning district are met.

The CDP designates Land Bay FF2B for development under the PD-OP regulations. All subsequent subdivision plans and site plans will demonstrate compliance with the PD-OP zoning requirements.

1. *This application proposes a rezoning of 0.90 acres of R-24 zoning district to PD-OP zoning district. Revise the application to include a minimum of one acre for incremental additions to an existing PD-OP district (Section 4-302).*

The Application has been revised to increase the area to be added to PD-OP Land Bay FF2B.

2. *A minimum yard of 15 feet is required adjacent to the CLI zoning district pursuant to Section 4-305(B)(3). Depict this requirement adjacent to the CLI zoning district to the east.*

This minimum yard for Land Bay FF2B is depicted adjacent to the CLI zoning district.

3. *Staff asks that the Applicant provide a detailed illustrative to demonstrate of the proposed design of the PD-OP district and demonstrate how such design conforms to the requirements of the ordinance (Section 4-307).*

Notes have been added to the CDP stating that compliance with all applicable zoning ordinance regulations will be demonstrated at the time of site plan.

4. *On Sheet 5, note the maximum lot coverage and building height as required by Ordinance as well as maximums proposed by the Applicant for the PD-OP district (§4-306(A) & §4-306(B)).*

The PD-OP zoning regulations and the proposed lot coverage and building height are provided on Sheet 5.

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5. *On Sheet 5, include a note stating the minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot (§ 4-307(B)).*

The PD-OP zoning regulations are provided on Sheet 5 and note that the minimum landscaped open space is 0.20 times the buildable area of the lot.

IX. Conformance with the CLI (Commercial Light Industrial) District (§3-900)

Please note that the previously requested additions to the existing CLI districts have been removed from this Application.

X. Conformance with Zoning Overlay District Regulations

A. Section 4-1400, Airport Impact (AI) Overlay District

The Applicant should add the Disclosure Statement in Section 4-1405 to the Note Sheet of the plan in the note section.

The AI district disclosure statement has been added to the Cover Sheet.

B. Section 4-1500, Floodplain (FOD) Overlay District

The Plan appears to be sensitive to the existing floodplain areas. See attached ERT referral for additional comments.

Comment acknowledged.

XI. Conformance with §6-1500, PD District

1. Section 6-1505, CDP Submission Requirements. The proposed CDP does not provide any detail with regard to layout, design, phasing, etc., for the proposed PD-H4, PD-OP and PD-IP zoning districts, and Staff asks that the Applicant address this.

The CDP depicts the means of access to all land bays the zoning district tabulations provide the framework for the developable areas of the land bays. An illustrative design for the PD-H4 area is provided on Sheet 11. Layouts for the PD-OP and PD-IP land bays will be provided at the time of site plan review.

2. Section 6-1504 Zoning Modifications

Please note that the previously requested zoning modification for Section 4-305(B)(2) has been removed from this Application.

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XII. Conformance with Additional Regulations & Standards

A. Section 5-1100, Off-Street Parking & Loading Requirements. Staff recommends that the required and proposed parking and loading spaces for all uses be provided at this time, otherwise, a note should be provided on the plat stating that parking will be provided at the time of site plan and will conform to the requirements of the Zoning Ordinance.

Notes have been added to the CDP stating that compliance with all applicable zoning ordinance regulations will be demonstrated at the time of site plan.

B. Section 5-1300, Tree Planting and Replacement. Since this site has existing vegetation, the applicant should ensure and proffer that existing viable stands of trees will be preserved to the greatest extent possible and depict this on the CDP.

Tree conservation areas are depicted on the CDP.

C. Section 5-1400, Buffering and Screening.

1. The presentation and approval of a landscape plan is addressed at site plan. However, comments on the utilization of existing vegetation to meet buffer planting requirements should be placed in the Notes.

Existing vegetation will be utilized where practicable to meet buffer planting requirements.

2. The Applicant will have the option of requesting a modification or waiver of the required buffer yard by the Zoning Administrator at the time of site plan, pursuant to Section 5-1409, unless a specific condition of approval is added prohibiting such a request.

Comment acknowledged.

D. Section 5-900, Setbacks.

Please note that pursuant to Section 5-900(C) new access points (public or private) to major collector roads (Tall Cedars) shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.

The Application does not propose any new access points on Tall Cedars Parkway.

E. Section 5-1000, Scenic Creek Valley Buffer

On the Existing Condition Map (Sheet 6), clearly label and depict the 150-foot Scenic Creek Buffer on either side of South Fork Broad Run measured along the slope of the ground from the channel scar line of the stream. As shown, it is not clearly defined.

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The Existing Conditions Map has been revised as requested.

XIII. Proffer Statement

1. With regard to Proffer I.C.1., please revise the reference to Land Bay EE2B to read Land Bay EE2.

The referenced proffer has been revised as requested.

2. With regard to Proffer I.C.2., please demonstrate that there is not a community need for the clubhouse and swimming pool now proposed in Land Bay FF1A if the residential units in Land Bays EE2 and EE2A, the previous location of this recreational amenity, are constructed prior to the development of Land Bay FF1A.

The CDP has been revised to keep the previously approved clubhouse and swimming pool within Land Bay EE2A, but this recreational amenity has been relocated to the northeast corner of this land bay to accommodate a request for 100 additional commuter parking spaces within relocated PD-CC(SC) Land Bay EE1A.

3. With regard to Proffer I.E.1.b., please resolve the inconsistency between the 44,063 square foot floor area noted in the proffer for Land Bay 8 and the 44,060 square foot floor area noted in the Density Exchange Table on Sheet 5.

The referenced proffer has been revised to be consistent with the revised Density Exchange Table.

4. With regard to Proffer I.E.1.a., please resolve the inconsistency between the 309,881 square foot floor area noted in the proffer for Land Bay 7R and the 309,880 square foot floor area noted in the Density Exchange Table on Sheet 5.

The referenced proffer has been revised to be consistent with the Density Exchange Table.

5. With regard to Proffer III.C., staff questions if the office condominium association for the building containing the library site will include the County.

Yes. The County's floor area within the office condominium will be part of the condominium association. This arrangement was approved by the County with ZMAP 2006-0011/ZCPA 2006-0003 and the condominium documents have been submitted to the County Attorney's office for review.

6. With regard to Proffer III.C., staff recommends that in addition to the date certain of completion of June 30, 2011, the current proffer language for obtaining approvals prior to issuance of the 1,601 residential zoning permit be included in the proffer as an option, whichever comes first.

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Proffer III.C. has been revised to retain the current trigger of 1,601 residential permits for the completion of construction documents and issuance of permits to allow construction of the office building to commence.

7. With regard to Proffer I.A., it appears that the Applicant has removed the language that provides for the reservation of an LCSA water storage pumping facility, identified on the CDP as "Proffered Water Tank Site" on Sheet 4. Explain.

The LCSA water tank site has been subdivided and conveyed to LCSA (MCPI: 247-19-1835), as noted in the Application plan set. Accordingly, the former "Proffered Water Tank Site" label has been changed to "Dulles South Water Tanks Site".

8. With regard to Proffer I.B., referenced Land Bay 2 is not labeled on Sheet 4 of the CDP. Please label Land Bay 2 on Sheet 4 and clearly depict the land bay lines for Land Bays 2, 3 and 4 on Sheet 4.

Sheet 4 has been revised as requested.

9. With regard to Proffer I.B., the Applicant states that the PD-H4 district shall include a maximum of 289 residential units, while in the approved Proffer Statement, the Applicant notes a maximum of 505 total residential units. Please clarify.

The November 30, 2005 Letter of Clarification regarding ZMAP 2002-0013/ZCPA 2002-0004 states in Proffer I.B. that the proposed PD-H4 district will have a maximum of 289 residential units. This Application retains that maximum number, as well as the approved mix of residential units in the PD-H4 district.

10. With regard to Proffer I.B. of the approved proffers, clarify that the club house and swimming pool is fulfilled.

The club house and swimming pool commitment remains and is will be provided in PD-H4 Land Bay 5R, as noted in Proffer I.B. and as depicted on the CDP.

11. With regard to Proffer I.G., the proposed amount of office and light industrial square footage is more than that shown on the Proffer Statement approved with ZMAP 2002-0013/ZCPA 2002-0004. Clarify.

Please refer to Proffer I.G. in the November 30, 2005 Letter of Clarification regarding ZMAP 2002-0013/ZCPA 2002-0004. This Application proposes an increase in office floor area and a decrease in light industrial floor that results in a net increase of 133 square feet of non-residential floor area.

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12. *With regard to Proffer III.F., in the last line, the Applicant referenced paragraph "VII.A. below". Please revise this so as not to create confusion, since paragraph VII.A is part of the previous approved proffers, and not the proposed Proffer Statement.*

Proffer III.F. has been revised as requested.

13. *Please provide a comparison of existing road proffers and proposed road proffers. In addition, provide a redline copy of the proffers to clarify the proposed changes of proffer language approved versus proposed.*

The only change to the existing road proffers is the realignment of Millstream Drive, as depicted on the CDP. All other existing road proffers are continued. A new commitment for two lanes of Northstar Boulevard between Tall Cedars Parkway and the southern boundary of Stone Ridge is provided with this Application. A comparison of the proposed versus the existing road proffers is included with TIA provided with this submission. A comparison version of the approved and proposed proffers is also provided with this submission.

XIII. Other Issues/Comments

1. *On the Certified Plat (Sheet 3), for the two portions of parcel with MCPI # 205-36-2224 adjacent to Route 50, the Applicant has noted the incorrect tax map number of 101 instead of 100. Please correct this.*

This referenced notation has been corrected as requested.

2. *Public rights of way do not have a zoning designation. Please remove the proposed rezoning of Tall Cedars, Relocated 659 and existing Millstream Drive and recalculate the total areas of parcels subject to the rezoning/concept plan amendment.*

All existing public streets within Stone Ridge are mapped. The proposed changes to the existing right-of-way zoning have been tabulated separately and the right-of-way areas have not been included in any land bay area or in any open space tabulation.

3. *It appears that in the County Mapping System (WebLogis) the parcel with MCPI #204-46-2760 is shown as zoned PD-IP, PD-CC(SC), R-16, AI and FOD. The LMIS system also indicates that this parcel is zoned CLI. Sheet 3 of the application depicts this parcel to be zoned PD-IP only. Please clarify/correct this inconsistency.*

The existing PD-IP zoning district shown on Sheet 3 for the portion of parcel MCPI #204-46-2760 subject to this rezoning request is consistent with the zoning district shown on the approved rezoning plats for Stone Ridge.

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4. *It appears that the County LMIS system indicates that a portion of this parcel (MCPI #247-20-9549) is zoned CLI. Sheet 3 of the application depicts this parcel to be zoned PD-IP and PD-H4 only. Please clarify/correct this inconsistency.*

The existing PD-IP and PD-H4 zoning districts shown on Sheet 3 for the portion of parcel MCPI #247-20-9549 subject to this rezoning request are consistent with the zoning districts shown on the approved rezoning plats for Stone Ridge.

5. *It appears that the County LMIS system indicates that a portion of this parcel (MCPI #204-47-0343) is zoned CLI. Sheet 3 of the application depicts this parcel to be zoned PD-IP only. Please clarify/correct this inconsistency.*

The existing PD-IP zoning district shown on Sheet 3 for the portion of parcel MCPI #204-47-0343 subject to this rezoning request is consistent with the zoning district shown on the approved rezoning plats for Stone Ridge.

6. *Staff asked that the Applicant provide an illustrative depicting land bays for the proposed application in order for staff to evaluate buffers required between land bays. As depicted on the CDP, it appears that there are areas between land bays that are not part of any land bay. Please provide a legend for the land bay lines.*

The CDP has been revised to address this comment.

7. *In the Density Exchange Table on Sheet 5, the difference between the current maximum floor area and the proposed floor area is 44,452 square feet for Land Bay FF2. The total proposed floor area is 157,498 square feet while in the Proffer Statement (Proffer I.E.2.) it is noted as 157,509 square feet. Correct this inconsistency. Staff asks that the Applicant provide a tabulation of permitted and proposed non-residential use square footage for the land bays affected with this application.*

The areas noted in revised Density Exchange Table on Sheet 5 and in the revised proffers are now consistent. The Density Exchange Table provides a tabulation of the currently permitted and the proposed non-residential floor areas, as requested.

8. *In the Statement of Justification (Page 7) in the Zoning Modification Justification, correct the reference to R-16, as Staff believes the correct zoning district is R-24.*

The referenced zoning modification has been removed from the Application.

9. *Specify on the CDP that Land Bay 8 will be a fire and rescue station.*

The CDP depicts the location of Public Use Site #3 in Land Bay 7. The Proffer Matrix Team has advised us not to reference a specific use for this public use site.

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10. In the Statement of Justification, Land Use Mix (page 1), the Applicant notes that the minimum amount of public and civic space required is 10%, while that being proposed is only 8%. Explain.

The original Stone Ridge rezoning provided approximately 5% of its land area for public/civic uses. Over time, the development of Stone Ridge has increased the amount of public/civic space to 8%, which includes the new Arcola Elementary School site and the fire and rescue station site proffered with this application, to be more consistent with the RGP recommendation of 10% for the Suburban Policy area.

11. On Sheet 4, the land bay number is missing below Land Bay 3. Please complete it.

Sheet 4 has been revised as requested.

12. The application must clearly distinguish and label the public and private streets in the development.

All access drives within townhouse and multi-family areas will be private. All subdivision streets will be/are public streets. See Note 6 on Sheet 4.

13. Provide an Open Space Exhibit and depict the calculation for open space in the R-24, R-16, PD-H4, PD-OP and PD-IP zoning districts. Clarify, depict, label and describe the character of the open space and any proposed active recreation on the site.

The PD-H4 open space tabulation is provided on Sheet 5. The other referenced zoning districts do not have a specific open space requirement. Open space areas are depicted on Sheet 11.

14. Revise the Statement of Justification to explain the proposal with regard to the ZCPA for the TR-1 zoned Land Bay 1.

The Statement of Justification has been revised as requested.

Environmental Review Team, Department of Building and Development (comments dated 4/16/09)

Regarding forest resources, steep slopes and floodplain

1. The Proposed Public Use Site is limited in size at 3.4 acres, located in close proximity to the floodplain and steep slopes, predominantly covered with healthy deciduous trees, and has an existing stream system located in the rear of the property. Staff recommends that the applicant consider another site for public use.

Public Use Site #3 has been increased in area and relocated to Land Bay 7 to address staff comments.

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2. *Staff recommends shifting the proposed alignment of Millstream Drive farther east to minimize impacts to moderately steep slopes. In addition, staff recommends committing to measures that will be used to protect the steep slope areas and adjacent floodplain and stream during construction activities.*

Millstream Drive has been relocated as recommended. Existing proffer VI.A. addresses the protection of steep slopes and is being continued with this Application.

3. *Staff recommends that the existing vegetation in the area of relocated South Point Drive be identified as a tree conservation area on sheets 5 and 11. The tree conservation area should include a suitable width to avoid impacting the critical root zone of the oak trees.*

Two areas of trees near Southpoint Drive have been identified for conservation and are depicted on the CDP. Proffer VI.G. commits to tree conservation areas measured from the perimeter drip lines of the tree areas.

4. *Staff recommends including a commitment that establishes the intent and limitations within tree conservation areas, similar to what has been provided with previous Stone Ridge rezoning and concept plan amendment applications.*

The referenced tree conservation commitment, Proffer VI.G., as approved with ZMAP 2002-0013/ZCPA 2002-0004, remains in effect and apply to the Property included in this Application.

5. *Staff recommends depicting the current Loudoun County Geographic Information System (LOGIS) floodplain, forest cover and steep slope layers on sheets 4-13. The current depictions are inconsistent with County mapping.*

The floodplain, forest cover and steep slopes depicted on the Application plan set are based on approved floodplain studies and field surveys, and accurately represent existing conditions.

Regarding wetlands

6. *Staff emphasizes the importance of mitigating wetland and stream impacts close to the impact area to help maintain water quality and flood protection functions.*

All wetland and stream impacts have been mapped and the required mitigation measures are subject to contractual obligations.

7. *Staff recommends relocating the potential BMP facility in Land Bay 1.*

The CDP for Land Bay 1 has been revised to address this comment.

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Regarding water quality

8. Staff recommends several measures for the existing pond south of Millstream Drive:

- *Staff recommends that forebays be installed at all current and future stormwater pipe outfalls.*

The existing pond was designed and constructed in accordance with the County standards in effect at that time. However, the Applicant has committed to provide forebays with all new or relocated outfalls. Please see proffer VI.C.1.

- *Staff encourages the applicant to address proper facility management.*

The Applicant has repaired the ruts and mowed the pond banks as recommended by staff.

- *Staff encourages establishing a forested buffer along the side slopes of the existing pond.*

Comment acknowledged. It is noted that existing underground utilities, particularly on the west side of the pond, restrict the extent of plantings.

Regarding green building practices

9. Staff recommends that the applicant implement design measures that conserve energy and water consumption, minimize waste generated during construction, and maintain interior and exterior air quality.

The Applicant will continue to evaluate and implement such measures that have no negative financial impact on construction and development costs.

10. Staff encourages the implementation of green building standards within the residential portions of the application.

The Applicant will continue to evaluate and implement such measures that have no negative financial impact on construction and development costs.

Other

11. Please add information to the "ZCPA Proposal" section of the Statement of Justification explaining the proposal in terms of Land Bay 1.

The Statement of Justification has been revised as requested.

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12. Staff recommends removing the "175 feet" threshold from Proffer VI.E. Staff further recommends that the proffer commit to a noise study to be submitted to the County for review and that the study is based on the most recent, applicable forecasted traffic volumes available from OTS and the ultimate design speed of the specified roadways. Staff recommends that the timing be changed to construction plan or site plan to allow the noise analysis to be based on final topography.

The proposed changes to Proffer VI.E. have been removed as recommended.

Office of Transportation Services (comments dated 4/17/09)

1. *Previous Comment:* The proposed right-in, right out movement for Gum Spring Road at Route 50 is inconsistent with the CTP limited access policy for Route 50 and would result in weave/merge conflicts with the future Route 50/West Spine Road interchange. A more acceptable configuration would be to extend Canary Grass Drive to tie into the east-west road (Southpoint Boulevard) approved as part of the adjacent Gum Spring Village Center development, with future access to the West Spine Road south of Route 50. The Applicant should coordinate this connection with Gum Spring Village Center.

Applicant's Response: The Application provides for the extension of former Canary Grass Drive (now South Point Drive) to tie into existing South Point Drive in the Gum Spring Village Center project. This street configuration is consistent with the eventual closure of the existing Route 659 and Route 50 intersection and median crossover.

Issue Status: OTS appreciates the revised road layout to connect Southpoint Drive from its existing terminus west to Millstream Drive. This connection will provide beneficial local access between Stone Ridge and the future West Spine Road without the need to access Route 50. Further discussion with VDOT and other adjacent property owners is necessary with respect to the eventual closing of the existing Route 50/Gum Spring Road intersection.

The Applicant has met with VDOT and OTS on this matter and does not object to the eventual closing of the Route 50/Gum Spring Road intersection. The Applicant has added Proffer II.4.d. with respect to this matter that was also addressed in the Glascock Field rezoning case. The Applicant also does not object to the vacation of Gum Spring Road between Southpoint Drive and Tall Cedars Parkway.

2. *Previous Comment:* Issues with right-of-way acquisition and construction of the proposed West Spine Road between Tall Cedars Parkway and Route 50 add additional complications and uncertainty to the interim and ultimate roadway configuration in this area. Additional discussion and coordination on this matter and the overall status of the West Spine Road are necessary.

Applicant's Response: We look forward to a meeting with OTS to discuss these matters.

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Issue Status: As stated above, OTS appreciates the revised road layout to connect Southpoint Drive to Millstream Drive. The timing of this connection is not specified. Should this connection be made prior to the closure of Gum Spring Road south of Route 50, additional turn lanes and signalization would likely be necessary.

The Applicant will comply with all applicable VDOT requirements at the time Southpoint Drive is extended to Gum Spring Road.

3. *Previous Comment:* While the Applicant's traffic study indicates that the existing Gum Spring Road/Route 50 signalized intersection operates at LOS E during the AM peak hour, other traffic studies recently submitted to the County (e.g., Arcola Center) indicate that the intersection operates at LOS F during both the AM and PM peak hours. An explanation/clarification of this discrepancy needs to be provided.

Applicant's Response: An updated traffic study is included with this submission.

Issue Status: OTS has no further comments on this issue. **Issue resolved.**

Comment acknowledged.

4. *Previous Comment:* Proffered improvements to Route 50 committed to as part of the previous Stone Ridge rezoning (ZMAP 2002-0013) should also be included with this proposal as "up front" improvements as the current application is also part of Stone Ridge and would add trips to the Route 50 corridor.

Applicant's Response: The Route 50 improvements proffered with ZMAP 2002-0013 remain in effect and will not be changed by this Application.

Issue Status: The Applicant is requested to confirm the approval status of the third Route 50 eastbound lane between the current terminus of the eastbound three-lane section and the West Spine Road.

The plans for this road improvement have been approved by the County.

5. *Previous Comment:* Currently, a diamond interchange is envisioned at the intersection of the West Spine Road and Route 50. The Applicant should proffer a fair-share contribution towards this future improvement.

Applicant's Response: The existing Stone Ridge proffers, Proffer II.1., include a cash contribution commitment for regional transportation improvements. This Application does not change the existing commitment.

Issue Status: See comment #9 below.

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See response to comment #9 below.

6. *Previous Comment: Staff has no issues with the proposed re-alignment of Millstream Drive, provided that the future east-west segment intersects with Route 659 Relocated at a point sufficiently south of the planned interchange of Route 659 Relocated and Route 50.*

Applicant's Response: Comment acknowledged.

Issue Status: Issue resolved.

Comment acknowledged.

7. *Previous Comment: The inclusion of 307 additional residential units as part of this application appears to be a reversal of Board action taken with the previous Stone Ridge rezoning (ZMAP 2002-0013), in which 216 residential units were eliminated and approximately 200,000 sq.ft. of non-residential uses were instead retained.*

Applicant's Response: The Application has been revised to relocate previously approved residential units within the Property, but does not request an increase in the number of approved residential units. A modest increase in the amount of non-residential floor area is requested.

Issue Status: Issue resolved.

Comment acknowledged.

8. *Previous Comment: An appropriate transit contribution should be provided for the 307 residential units proposed on site.*

Applicant's Response: As noted above, the revised Application proposes no increase in the number of previously approved residential units.

Issue Status: Issue resolved.

Comment acknowledged.

New Issues

9. *The Applicant is requested to provide a comparison of the transportation improvements proposed with the subject applications with those improvements proffered as part of previous Stone Ridge approvals.*

This comparison is provided in the revised TIA as requested.

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10. The Applicant should commit to implement/construct the on-site "proffered" and "site" improvements identified in the updated traffic study for the proposed development program.

The proffers for the proposed development program commit to implementing/constructing both the "proffered" and "site" improvements.

11. Future traffic control at the intersections of Stone Springs Boulevard and Millstream Drive and Stone Springs Boulevard and Tall Cedars Parkway requires further clarification and discussion. It is unclear from the draft proffers whether the existing on-site signalization proffer (Proffer II.F.) is proposed to be retained with the subject applications.

The existing on-site signalization proffer (Proffer II.F.) is being retained. However, the revised proffers include a provision for an updated traffic signal warrant study for the Millstream Drive/Stone Springs Boulevard intersection and a contribution of \$250,000 if a signal is warranted.

12. As part of this application, OTS recommends a commitment from Stone Ridge to terminate direct Route 50 access to Landbay 9 at such time as Route 659 Relocated (Northstar Boulevard) is in place and provides access to Route 50. The Applicant should indicate an alternate means of access to Landbay 9.

Land Bay 9 and its Route 50 access have been removed from the Application.

13. The Applicant is requested to clarify the intent/status of the text on the plan set indicating "Alternative Private Access Road" from Landbay 9 north to Route 50.

Land Bay 9 and its Route 50 access have been removed from the Application.

14. OTS appreciates the Applicant's proposed commitment to construct/bond for construction the eastern two lanes of Northstar Boulevard between Tall Cedars Parkway and the southern Stone Ridge property line. However, given that VDOT will not accept a half section of roadway without a guarantee from the County that the remaining half section will be constructed, OTS requests that the Applicant commit to construct a four-lane divided roadway in a configuration that will accommodate future expansion to a six-lane divided section.

The Applicant understands that it may be responsible for maintaining the half section until the road is accepted by VDOT. The offered half section is consistent with the commitment made for this regional road by the C.D. Smith rezoning immediately to the south, and will complete a network of interconnecting public streets consisting of Northstar Boulevard, Tall Cedars Parkway, Gum Spring Road and Braddock Road.

15. OTS has no objection to the realignment of Millstream Drive as proposed with these applications.

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Comment acknowledged.

Community Planning, Department of Planning (comments dated 5/5/09)

A. Land Use

Suburban Policy Area. Staff does not support any further conversion of land from employment-related land uses to residential within the Business community portion of Stone Ridge based on four concerns:

First, the impact of the Stone Ridge Commercial application, in particular the rezoning of Land bays 5R and 6 (formally Land Bay DD) from industrial to residential and the existing PD-IP parcel to CLI, would result in the continued erosion of employment-related land uses that are emphasized within the Business Community policies of the Revised General Plan and the original Stone Ridge community land use mix.

The Application has been revised to expand the PD-IP and PD-OP land bays to ensure that there will be no net loss of developable employment-related land uses when compared with the currently approved land uses for Stone Ridge. We respectfully point out that the original Stone Ridge land use mix (ZMAP 1994-0017) cited by staff contained large PD-IP and PD-GI land bays that were inconsistent in terms of location and scale with the land use policies adopted in 2001 with the Revised General Plan. The inconsistent industrial land uses were removed with the approval of ZMAP 2002-0013 / ZCPA 2002-0004, Stone Ridge, in 2005.

Second, further erosion of land dedicated to employment-related land uses within the Stone Ridge community will negatively impact the County's opportunity to maximize employment opportunities for residents of Stone Ridge and the surrounding community along these business corridors.

The Application has been revised to provide no erosion of previously approved employment-related land area within Stone Ridge.

Third, the application does not guarantee that development will build to that maximum level of intensity and could in fact result in the loss of additional square feet of employment-related land uses.

We do not believe it is the intent of the RGP to encourage potentially non-compatible light industrial uses within the middle of an established residential neighborhood.

Fourth, the Plan does not support increasing the amount of CLI zoned property in the Route 50 Corridor.

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The revised Application has eliminated the previously proposed CLI districts in favor of expanded PD-OP and PD-IP districts, both of which are supported by the Plan for Business Communities.

Compatibility. The applicant's proposed Land Bays 5R and 6, where multi-family and single family attached residential are located, does not take into account the stream corridor that currently defines the separation of existing residential land uses from planned employment-related land uses, and is contrary to Stone Ridge's original intent to utilize green infrastructure to separate residential and non-residential land uses. Land Bays 5R and 6 are also bounded on the west by an existing 250-foot wide easement that contains underground transmission and high-voltage power lines. The existence of the utility easement, when combined with the natural stream corridor, makes former Land Bay DD ideally suited for employment-related land uses.

To the contrary, the revised application takes full advantage of the 250-foot wide utility easement to separate residential Land Bays 5R and 6 from industrial Land Bays 7R and 8, and incorporates the existing stream corridor as an integral open space feature between the proposed and existing residential neighborhoods. The consolidation of residential units from the west side of the power lines to the east side creates a continuous residential neighborhood in the area bounded by Tall Cedars Parkway, Stone Springs Boulevard, Millstream Drive and the power lines. The shift and consolidation of the employment related zoning districts on west side of the power lines is consistent with the original Stone Ridge CDP. Furthermore, the more mature and dense vegetation on the west side of the powerlines will provide more effective screening for the PD-IP uses than the less dense vegetation on the west side of residential Land Bay EE2.

Transition Policy Area. More information regarding the revisions proposed for Land Bay 1 is required in order to determine if the application is in keeping with the land use policies of the Plan.

The Statement of Justification has been revised to address this comment.

B. Public Use Site

Staff requests that the applicant provide more information as to why the fire and rescue public use site is proposed in this location, as it has not been identified as needed in this area by the County's CIP or CNA. Further, this location has considerable environmental constraints and is not sizable enough to meet the County's Capital Facility Standard for Fire and Rescue stations.

The Applicant has had on-going discussions with Fire and Rescue personnel regarding the need for another station site in the Stone Ridge area. Both the Arcola-Pleasant Valley Volunteer Fire Department and the Department of Fire, Rescue and Emergency Management have acknowledged that a site in Stone Ridge can be considered for a future station. The revised Application provides a new public use site location that meets the Capital Facility Standard criteria for a fire and rescue station.

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C. Existing Conditions

1. *Stream Corridors.* The applicant has complied with staff's previous request to locate the management buffers on the parcels subject to this application. Staff continues to recommend that the applicant commit to the protection, enhancement and long-term maintenance of the stream corridors along the two tributaries.

The CDP depicts the location of the RGP recommended management buffers that restrict future development activities. All common open space is maintained by the applicable owners association.

2. *Forests, Trees and Vegetation.* Staff recommends the applicant commit to protecting the overall quality of Broad Run through the preservation of existing forest and vegetation along the tributaries of the subject site to the maximum extent possible. In particular, staff supports the establishment of a forested buffer along the tributary and within the stream corridor adjacent to the east boundary of existing Land Bays 5R and 6 (formerly Land Bay DD) to protect the overall water quality of the Broad Run. Further, staff recommends retaining the existing oak trees along the realignment of South Point Drive and re-establishing the tree conservation area on Land Bay 1 to maintain the previously approved open space and to protect the existing tributary of Broad Run.

The CDP depicts the location of the RGP recommended management buffers that restrict future development activities. Land Bay ZZ to the east of Land Bays 5R and DD is adjacent to the referenced tributary and is designated as an open space area that will help protect water quality. New tree conservation areas along Southpoint Drive have been added to the CDP, as recommended. The tree conservation areas within Land Bay 1 have been reconfigured and Proffer VI.G. has been revised to increase minimum amount of tree preservation within the Land Bay 1 designated tree conservation areas from 80% to 90%.

3. *Steep Slopes.* Staff recommends that Millstream Drive be relocated to the east to minimize impacts to moderately steep slopes and that commitments be made to protect the steep slope areas and the adjacent floodplain and stream during construction activities.

The revised CDP has shifted Millstream Drive to the east, as recommended.

4. *Wetlands.* Staff concurs with ERT's recommendation that the applicant should commit to prioritizing wetland mitigation as follows: 1) onsite, 2) within the Broad Run Watershed within the same Planning Policy Area, 3) within the Broad Run Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the COE and DEQ.

Wetlands mitigation has already been approved and contracted for in accordance with the approved wetlands permits.

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5. *Historic Resources.* Upon review of the current application and the Phase 1 archeological survey of the "Glascok Property" prepared by Thunderbird in 2006, it appears that the area tested in the 2006 survey does not match the project area now under consideration. Staff requests that the applicant submit archeological reports relevant to the entire project area as soon as possible.

In addition to the 2006 archeological report addendum for the, then, 124.5 acre Glascok Field property, the County also has on file copies of a 2000 Phase I archeological report prepared by Thunderbird for Stone Ridge, ZMAP 2002-0013, and a 2004 Phase II archeological report prepared by KCI and filed for the Dean Property added to the ZMAP 2002-0013 case. These reports cover the entire project area subject to this Application.

6. *Noise Impacts.* Staff recommends that the applicant demonstrate how the application complies with the highway noise policies of the Plan.

Approved Proffer VI.E., Highway Noise, which addresses compliance with the RGP noise policies, is retained in its entirety.

D. Site Design

Staff requests more detail as to the proposed building design, loading areas, lighting, signage, and usable outdoor spaces for this application along with commitments to ensure compliance with the Plan policies for the Route 50 Corridor.

The Applicant has committed that all buildings within the PD-OP land bay adjacent to Route 50 (Land Bay FF2B) will be a minimum of three stories in height to demonstrate compliance with the Route 50 Corridor policies. Furthermore, the Applicant has expanded this Land Bay by the inclusion of approximately 4.3 acres of CLI land. The rezoning of CLI land to PD-OP eliminates uses that may not be consistent with the County's vision for Route 50.

E. Pedestrian and Bicycle Linkage

Staff requests more information regarding the proposed pedestrian and bicycle circulation system, including the type of facilities provided (such as sidewalks, shared use paths, etc.) and their materials. Bicycle racks should also be provided throughout the development in support of non-vehicular modes of transportation to this facility.

The CDP depicts the location of an extensive trail system, in addition to the sidewalks that are required within the land bays. The pedestrian system provides connectivity with the residential, commercial, and employment areas, as well as the community facilities and public schools.

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F. Capital Facilities

Because of the major land use issues associated with this application, Capital Facilities have calculations have not been calculated. If this application is considered further, recommends that the applicant revise the proffers to identify the proposed residential unit types in order to determine capital facilities costs for the rezoning of Land Bays 5R and 6 so that staff can determine capital facilities contributions for this application.

The Application proposes no change to either the mix or number of currently approved residential units. Therefore, no change to the previously proffered capital facilities contribution (Proffer III.F.) is warranted.

G. Open Space Preservation Program

Because of the major land use issues associated with this application, Open Space calculations have not been reviewed. If this application is considered further, anticipated contributions to the County's Open Space Program will be included in subsequent referrals.

The Application proposes no change to either the mix or number of currently approved residential units. Therefore, no change to the previously proffered open space contribution (Proffer VI.B.) is warranted.

H. Zoning Modifications

Staff requests a more detailed design that provides assurances that the modification of the setback achieves a more desirable design as indicated by the Statement of Justification.

The descriptions of the zoning modification justifications have been expanded to address this comment.

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We believe this response letter, the draft proffers, the revised Statement of Justification and the amended application plans address all remaining staff comments. Please schedule this case for the next available Planning Commission public hearing.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Cooley Godward Kronish LLP



Jeffrey A. Nein, AICP
Senior Land Use Planner

Enclosures

cc: Roy R. Barnett, Van Metre Companies
Brian Martin, P. E., Urban, Ltd.
Antonio Calabrese, Esq., Cooley Godward Kronish LLP

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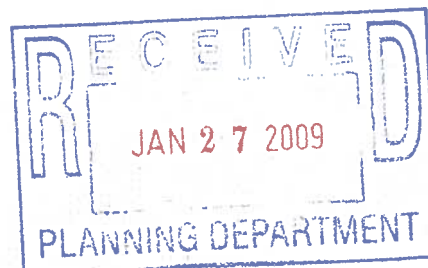
A328

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BY HAND DELIVERY

January 27, 2009

Stephen Gardner
Project Manager
Department of Planning
1 Harrison Street, S.E., 3rd Floor
Leesburg, Virginia 20177-7000



**RE: ZMAP 2006-0011/ZCPA 2006-0003, Stone Ridge Commercial
Second Submission and Response to Initial Review Comments**

Dear Stephen:

We are pleased to submit the revised ZMAP/ZCPA application for Stone Ridge Commercial with the program changes we have discussed over the past several months. While there are many moving pieces with this case, the bottom line is no additional residential units are proposed and approximately 2,400 sq.ft. of additional non-residential floor area is proposed. The main elements of this revised application are as follows:

- consolidation of previously approved residential units in Land Bays 5R and 6 on the east side of the power lines,
- expansion of the PD-IP zoning district (Land Bay 7R) on the west side of the power lines,
- redefined limits for the PD-OP (Land Bay FF2B) and R-24 (Land Bay FF1A) districts on the east side of the property to accommodate the extension of South Point Boulevard,
- proffer commitment for a time-certain delivery date of the previously proffered library space, and
- a commitment to dedicate proposed PD-IP Land Bay 8 to the County for use as a fire and/or rescue station.

Enclosed with this submission are 15 copies each of the revised Statement of Justification and the draft proffer statement, and 4 copies of the updated traffic study. Fifteen copies of the revised Application plan set will be delivered to you under separate cover.

The staff review comments are addressed below in chronological order. Each agency's comments are summarized (noted in *Italics*) and followed by our response.

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Environmental Health (comments dated 9/28/06)

The Department recommends approval with the following comments/conditions to the proposal:

1. *All the lots and structures are properly served by public water and public sewer.*

Comment acknowledged.

2. *All existing wells and drainfields are shown on future plats.*

Comment acknowledged.

3. *All existing wells and drainfields are properly abandoned prior to submission of record plat or razing of the structure, whichever is first.*

Comment acknowledged.

Office of Transportation Services (comments dated 10/10/06)

1. *The proposed right-in, right out movement for Gum Spring Road at Route 50 is inconsistent with the CTP limited access policy for Route 50 and would result in weave/merge conflicts with the future Route 50/West Spine Road interchange. A more acceptable configuration would be to extend Canary Grass Drive to tie into the east-west road (Southpoint Boulevard) approved as part of the adjacent Gum Spring Village Center development, with future access to the West Spine Road south of Route 50. The Applicant should coordinate this connection with Gum Spring Village Center.*

The Application provides for the extension of former Canary Grass Drive (now South Point Drive) to tie into existing South Point Drive in the Gum Spring Village Center project. This street configuration is consistent with the eventual closure of the existing Route 659 and Route 50 intersection and median crossover.

2. *Issues with right-of-way acquisition and construction of the proposed West Spine Road between Tall Cedars Parkway and Route 50 add additional complications and uncertainty to the interim and ultimate roadway configuration in this area. Additional discussion and coordination on this matter and the overall status of the West Spine Road are necessary.*

We look forward to a meeting with OTS to discuss these matters.

3. *While the Applicant's traffic study indicates that the existing Gum Spring Road/Route 50 signalized intersection operates at LOS E during the AM peak hour, other traffic studies recently submitted to the County (e.g., Arcola Center) indicate that the intersection operates at LOS F during both the AM and PM peak hours. An explanation/clarification of this discrepancy needs to be provided.*

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An updated traffic study is included with this submission.

4. *Proffered improvements to Route 50 committed to as part of the previous Stone Ridge rezoning (ZMAP 2002-0013) should also be included with this proposal as "up front" improvements as the current application is also part of Stone Ridge and would add trips to the Route 50 corridor.*

The Route 50 improvements proffered with ZMAP 2002-0013 remain in effect and will not be changed by this Application.

5. *Currently, a diamond interchange is envisioned at the intersection of the West Spine Road and Route 50. The Applicant should proffer a fair-share contribution towards this future improvement.*

The existing Stone Ridge proffers, Proffer II.I., include a cash contribution commitment for regional transportation improvements. This Application does not change the existing commitment.

6. *Staff has no issues with the proposed re-alignment of Millstream Drive, provided that the future east-west segment intersects with Route 659 Relocated at a point sufficiently south of the planned interchange of Route 659 Relocated and Route 50.*

Comment acknowledged.

7. *The inclusion of 307 additional residential units as part of this application appears to be a reversal of Board action taken with the previous Stone Ridge rezoning (ZMAP 2002-0013), in which 216 residential units were eliminated and approximately 200,000 sq.ft. of non-residential uses were instead retained.*

The Application has been revised to relocate previously approved residential units within the Property, but does not request an increase in the number of approved residential units. A modest increase in the amount of non-residential floor area is requested.

8. *An appropriate transit contribution should be provided for the 307 residential units proposed on site.*

As noted above, the revised Application proposes no increase in the number of previously approved residential units.

Department of Fire, Rescue and Emergency Management (comments dated 10/17/06)

The Fire Marshal's Office provided the following comments and recommendations:

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1. The FMO advocates the use of sprinkler systems in all structures, even when not required by the International Building Code.

Comment acknowledged.

2. The burning of construction debris is strictly prohibited.

Comment acknowledged.

The Arcola Pleasant Valley Volunteer Fire and Rescue Company provided the following comments and recommendations:

1. The applicant shall require all builders to provide and install a residential fire sprinkler system for each residential unit constructed; provided that the water supply system has sufficient capacity to support the sprinkler system.

The proposed multi-family units are required by code to have sprinkler systems. Existing proffer IV.C. requires the builders of the proposed townhouse units to offer sprinkler systems as an option.

2. The applicant shall contribute an initial base sum of money of \$250 per residential unit and \$0.20 per gross square foot for non-residential buildings and shall escalate in accordance with the CPI beginning with the base year of 1988.

The Applicant's previous commitment of \$120 per residential unit and \$0.15 per square foot of non-residential floor area escalated from a base year of 1997, in accordance with the proffers approved with ZMAP 2002-0013, remains in effect for the Property.

3. Applicant shall provide all weather gravel compacted access for emergency vehicles to those portions of the project which are under construction, not later than the framing stage of construction, subject to approval of the Fire Marshal's office.

Comment acknowledged.

Environmental Review Team, Department of Building and Development (comments dated 10/18/06)

Regarding Stormwater Management

1) As shown on Sheet 3, landbay 7 and a portion of Landbay DD-1 north of Millstream Drive do not depict any SWM features. Please depict the approximate location, estimated size and type of facilities.

The locations of existing and potential SWM/BMP sites have been added to the plan set.

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2) ERT recommends several measures for the existing pond south of Millstream Drive in order to minimize future maintenance expense, improve its water quality benefit, and enhance its visual appearance: install forebays at all current and future stormwater pipe outfalls; repair the vehicle ruts at the top of the embankment and mow the side slopes; establish a forested buffer along the side slopes of the existing pond.

We appreciate staff's suggestions and will consider them with future pond improvements.

Regarding Forest Resources

3) Staff recommends that trees occurring along the north side of Canary Grass Drive be identified within a tree conservation area on the CDP. The tree conservation area should include a suitable width to avoid impacting the critical root zone of the mature oak trees. For healthy trees with a diameter breast height greater than or equal to 6 inches that are damaged during construction, staff further recommends that the application commit to replacing a damaged tree with two 2.5 to 3-inch caliper native deciduous trees.

The development of this existing PD-OP land bay will endeavor to use existing trees to meet buffer yard and canopy requirements.

Loudoun County Sanitation Authority (comments dated 11/21/06)

The Sanitation Authority has reviewed the reference applications and offers no objection to their approval.

Comment acknowledged.

Community Planning, Department of Planning (comments dated 12/14/06)

A. Land Use

Staff does not support any further conversion of land from employment-related land uses to residential within the Business community portion of Stone Ridge.

The revised Application provides no increase in the number of previous approved residential units and a modest increase in the amount of non-residential floor area.

In addition to the fundamental land use issue, staff has identified additional issues:

1. *Compatibility. The applicant's proposed land bay DD2 does not take into account the stream corridor that currently defines the separation of existing residential land uses from planned employment-related land uses, and is contrary to Stone Ridge's original intent to utilize green infrastructure to separate residential and non-residential land uses. Land Bay DD is also bounded on the west by an existing 250-foot wide easement that contains underground*

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transmission and high-voltage power lines. The existence of the utility easement, when combined with the natural stream corridor, makes Land Bay DD ideally suited for employment-related land uses.

The revised application proposes to relocate previous approved residential units from the west side of the power lines and from Land Bay FF1A to Land Bays 5R and 6 located to the east of the power lines. This consolidation of residential units will establish a continuous residential neighborhood in the area bounded by Tall Cedars Parkway, Stone Springs Boulevard, Millstream Drive and the power lines. The previously approved employment related uses in this area have been shifted to the west side of the power lines and consolidated with the existing non-residential zoning districts there.

2. Land Bay Consistency. Staff is requesting the applicant revise Sheet 3 of 10 in the CDP to show the boundary of Land Bay FF2 to include that portion of existing Land Bay FF2 generally shown between Stone Springs Boulevard and the existing wet pond, as identified in the CDP approved with 2002-0013. All tabulation tables in the Stone Ridge Commercial application should reflect this change.

The referenced western portion of Land Bay FF2 (now designated as Land Bay FF2A) is depicted on the plan set as it is the site of the building that contains the County's new regional library. No changes to this portion of Land Bay FF2 are proposed.

B. Density

The applicant's proposed density meets the maximum density allowed in areas planned for business land uses.

Comment acknowledged.

C. Existing Conditions

1. Stream Corridors. Staff recommends the applicant include river and stream corridor resources, including the 50-foot management buffer, on the CDP. Staff also recommends the applicant provide a minimum 100-foot buffer, inclusive of the 50-foot management buffer, along segments of the tributaries where the floodplain does not extend beyond 100 feet. Last, staff recommends the applicant commit to the protection, enhancement and long-term maintenance of the stream corridors along the two tributaries.

The Application has been revised to provide the requested 50-foot management buffer along the floodplain of the South Fork Broad Run tributary.

2. Forests, Trees and Vegetation. Staff recommends the applicant commit to protecting the overall quality of Broad Run through the preservation of existing forest and vegetation along the tributaries of the subject site to the maximum extent possible. In particular, staff supports the

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establishment of a forested buffer along the tributary and within the stream corridor adjacent to the east boundary of existing Land Bay DD in order to further buffer the non-residential and residential land use from each other and to protect the overall water quality of the Broad Run.

The revised CDP depicts tree conservation areas on Land Bays 7R, 8 and 9 adjacent to the South Fork of Broad Run and its tributaries.

D. Capital Facilities

Because of the major land use issues associated with this application, Capital Facilities have not been reviewed. If this application is considered further, staff will calculate the Capital Facilities Contributions for subsequent referrals.

The revised application proposes no increase to the number of currently approved residential units. Therefore, a capital facilities contribution is not applicable to this Application.

E. Open Space Preservation Program

Because of the major land use issues associated with this application, Open Space calculations have not been reviewed. If this application is considered further, staff will recommend contributions to the County's Open Space Program for subsequent referrals.

The revised application proposes no increase to the number of currently approved residential units. Therefore, an open space contribution is not applicable to this Application.

Zoning Administration, Department of Building and Development (comments dated 12/15/06)

II. Conformance with §6-1211 Zoning Map Amendments

1. Section 6-1211(E)1 – Whether the Proposed Zoning District Classification is consistent with the Comprehensive Plan. Zoning defers to Community Planning for comment.

The requested zoning districts are consistent with the Revised General Plan's Business community designation for this area.

2. Section 6-1211(E)4 – Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned. Staff defers to Community Planning, OTS, School Board, Library Services, and Parks and Recreation.

All infrastructure needed to support this application is either in place or is provided by the application.

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3. *Section 6-1211(E)6 – The effect of uses allowed by the proposed rezoning on the structural capacity of the soils. According to County records, hydric soils (types 66A and 69A) are present in the rezoning area. Staff notes that the soils type is not included on Sheet 5. Please correct this.*

Soils information is provided on Sheets 8 and 9.

4. *Section 6-1211(E)7 – The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas. Staff would recommend more specific measures to mitigate the impact of construction traffic on the surrounding area. The applicant should also address how construction traffic will enter and exit the property during construction.*

We respectfully point out that the properties subject to this rezoning request are currently zoned for significant development that would also introduce occasional construction traffic to the local streets.

5. *Section 6-1211(E)9 – The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality. Zoning encourages the preservation of all existing wetlands and riparian corridors whenever possible. Staff recommends that the Applicant identify areas of existing vegetation that will be preserved and show such areas on a proffered plan. Staff defers to ERT for further comment.*

The CDP has been revised to depict areas of tree conservation along riparian corridors.

III. Conformance with R-16 District

The rezoning plan set should state in the Notes section that Land Bay DD2 will be developed in accord with all regulations for the R-16 zoning district.

The revised CDP proposes that a portion of existing Land Bay DD be rezoned to PD-H4 (Land Bay 5R) and to R-16 (Land Bay 6). The R-16 district regulations apply to Land Bay 6.

1. *On Sheet 3, the Applicant has depicted the lot requirements for both multi-family (R-16) and townhouses (R-8). However, staff believes the Applicant is only proposing a rezoning to R-16 in Land Bay DD2 and not to R-8. Correct/clarify this.*

Sheet 4 includes the zoning regulations for the zoning districts requested, R-16 and PD-H4 (administered as R-8).

2. *Demonstrate conformance with Section 3-602 regarding pedestrian linkages to employment and shopping centers. This Section also requires that the district is served by public transit.*

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The CDP has been revised to depict the locations of the existing and proposed pedestrian linkages.

3. *On Sheet 3, note the maximum permitted density of 19.2 dwelling units per acre in the R-16 zoning district as well as the proposed density for Land Bay DD1.*

The requested information has been added to Sheet 4 in the R-16 district zoning requirements.

4. *On Sheet 3, depict the maximum length/width ratio as required by Section 3-606(D).*

The requested information has been added to Sheet 4 in the R-16 district zoning requirements.

5. *With regard to Section 3-608(B), staff asks that either detailed drawings be submitted with this application or provide a note that this requirement will be evaluated at the time of site plan.*

Compliance with all applicable zoning regulations will be demonstrated at the time of site plan.

6. *On the CDP, provide the required amount of active recreation space pursuant to Section 7-903(E). Designate on the CDP the location and types of active recreation uses and include this in the Proffer Statement.*

The requested tabulation has been added to Sheet 4. The CDP has been revised to depict the location of the major recreational amenities, which are described in the proffer statement.

7. *Demonstrate compliance with Section 3-608(B) of the Ordinance, which requires that no off street parking for multi-family dwellings shall be permitted in areas between buildings and streets, unless such parking areas are sufficiently bermed and screened so that the parking areas are not visible from the street.*

Appropriate screening of parking areas for compliance with this requirement will be demonstrated at the time of site plan.

8. *Include a note on the CDP that residences to be served by private roads shall be subject to a recorded covenant regarding the private maintenance of such roads (Section 3-610(C)).*

Section 3-610 requires such disclosure in a recorded covenant and in sales information, as well as on the record plats.

IV. Conformance with R-24 District

The rezoning plan set should state in the Notes section that Land Bay FF1 will be developed in accord with all regulations for the R-24 zoning district.

Comment acknowledged. The revised CDP designates the R-24 district as Land Bay FF1A.

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1. *On Sheet 3, please include the correct ordinance section of the R-24 ADU district, 7-1000, not 7-900.*

This correction has been made to the R-24 district regulations on Sheet 5.

2. *Land Bay FFI is approved for 640 multi-family units with ZMAP 1994-0017. A portion of this Land Bay (Section 17) is proposed for 304 multi-family units with STPL 2005-0081/SPAM 2006-0079. The remainder of the land is proposed for 322 multi-family units with this application. Clarify the difference in the total number of units for the land bay.*

The Application proposes to reduce the number of multi-family units permitted in Land Bay FF1A from 321 to 158. Existing Section 17 (not part of the Application) will retain its entitlement of 304 multi-family units. The area previously identified as Land Bay FF1 will, therefore, have a total unit count of 462 multi-family units. The reduction of 163 units in Land Bay FF1A is off-set by the 163 residential units in Land Bay 6.

3. *The Applicant must demonstrate that the application meets the following five requirements of Section 3-702 of the Ordinance:*

(A) *Abutting arterials and major collectors. Direct access for lots created after the adoption of this ordinance to such arterials and major collectors shall be provided only via minor collector roads.*

None of the proposed lots will have direct access to any arterial or major collector roads.

(B) *With pedestrian linkages to planned or existing employment centers, shopping or community support services.*

Pedestrian links to the Stone Ridge shopping and employment areas are depicted on the CDP.

(C) *Consistent with the Comprehensive Plan.*

The R-24 district is consistent with the residential component of Business communities and the currently approved CDP provides for a larger R-24 district and more units than what is proposed with this Application.

(D) *When supporting shopping and commercial development is planned, existing or under construction.*

Stone Ridge includes an existing shopping center and several planned employment areas.

(E) *Planned or served by public transit, or designated for public transit in the Comprehensive Plan.*

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Stone Ridge includes a commuter parking facility within its shopping center on Millstream Drive.

Staff asks the Applicant to clarify if the existing Route 659 adjacent to the R-24 district is classified as major collector or a local road.

The CTP classifies the existing 2-lane section of Route 659 adjacent to the proposed R-24 district as a major collector. Please see CTP page A1-47 for the "Old Route 659" description.

The difference between trails and sidewalks shown on Sheet 8 is not clear. Staff suggests a sidewalk and/or trail be provided along Canary Grass Drive and Route 659. Staff also suggests that the applicant provide and depict internal pedestrian crosswalks and signals at major intersections to create a safe and functional pedestrian network.

As shown on Sheets 5 and 11, sidewalks will be provided on both sides of South Point Drive (formerly Canary Grass Drive) and will connect with the existing trail system on Millstream Drive.

Please coordinate with OTS to determine the need for bus stops and shelters within the R-24 district.

Comment acknowledged.

4. On the CDP, provide the required amount of active recreation space pursuant to Section 7-1003(E). The Applicant must demonstrate that active recreation space is accessible to all residents by means of internal pedestrian walkways.

In addition to the existing active recreation facilities within Stone Ridge, a multi-family community center, including a swimming pool, is proposed in Land Bay FF1A.

5. On the CDP, the Applicant should note the maximum length/width ratio of the district pursuant to Section 3-706(D).

This information is provided on Sheet 5.

6. Include the requirement of Section 3-707(C) regarding the maximum number of units per building.

This information is provided on Sheet 5.

7. The Applicant should demonstrate conformance with Section 3-708(B), off-street parking, at the time of site plan.

Comment acknowledged.

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8. Denote the permitted and proposed density for the R-24 zoning district on the CDP.

The CDP has been revised as requested.

V. Conformance with the PD-IP, Planned Development-Industrial Park District

The rezoning plan set should state in the Notes section that Land Bay 7 will be developed in accord with all PD-IP regulations.

The revised CDP designates Land Bays 7R and 8 for development under the PD-IP regulations.

1. A minimum yard of 75 feet is required adjacent to the PD-H4 zoning district (Section 4-505(B)(2)). See part IX of this referral for comments on the requested modification of this section.

A modification of the referenced section is no longer needed. The proposed PD-IP land bays are separated from the existing and proposed PD-H4 districts by a stream corridor to the west, the 120-foot wide Tall Cedars Parkway right-of-way to the south and the existing PD-IP open space land bay (Land Bay ZZ) to the east.

2. Staff asks that the Applicant provide a detailed illustrative to demonstrate compliance with Sections 4-505(B)(4) and 4-507 or provide a note stating that these requirements will be met at site plan.

Notes have been added to the CDP stating that compliance with all applicable zoning ordinance regulations will be demonstrated at the time of site plan.

3. On Sheet 3, note the maximum lot coverage and building height as required by Ordinance as well as maximums proposed by the Applicant.

The PD-IP zoning regulations are provided on Sheet 4.

4. On Sheet 3, include a note stating the minimum landscaped open space requirement of Section 4-507(B).

The PD-IP zoning regulations are provided on Sheet 4.

VI. Conformance with the PD-OP, Planned Development-Office Park District

The rezoning plan set should state in the Notes section that Land Bays DD1 and FF2 will be developed in accord with all PD-OP regulations.

The revised Application proposes to rezone portions of PD-IP Land Bay DD to PD-H4 (Land Bay 5R) and R-16 (Land Bay 6).

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1. *Staff recommends that the applicant provide an illustrative drawing depicting the objectives of Section 4-301, Purpose.*

The CDP depicts the developable areas of the PD-OP land bay, but a specific layout is not available at this time.

2. *Direct access onto arterial roads shall be limited to those consistent with adopted Corridor Plans, Section 4-302. Staff defers to OTS regarding the proposed access to Route 50.*

The PD-OP area (Land Bay FF2B) has no direct access to Route 50.

3. *Demonstrate conformance with Section 4-302 regarding incremental additions to a PD-OP district.*

The incremental addition will become part of Stone Ridge and will be developed in conjunction with the adjacent PD-OP districts in Stone Ridge.

4. *On the CDP, depict the 100-foot minimum yard adjacent to the R-24 and R-16 zoning districts, Section 305(B)(2). Also depict and label the 50-foot yard required for parking. See part IX of this referral for comments on the requested modification of this section.*

A modification has been requested to reduce the 100-foot zoning district line setback for Land Bay FF2B.

5. *On the CDP, depict the 15-foot minimum yard adjacent to the PD-IP and PD-CC(CC) zoning districts, Section 4-305(B)(3).*

This minimum yard for Land Bay FF2B is depicted adjacent to the CLI zoning district.

6. *Denote the required minimum landscape open space per lot on the CDP.*

The PD-OP zoning regulations are provided on Sheet 5.

7. *Staff asks that the Applicant provide a detailed illustrative to demonstrate compliance with Section 4-307(E) or provide a note stating that these requirements will be met at site plan.*

Notes have been added to the CDP stating that compliance with all applicable zoning ordinance regulations will be demonstrated at the time of site plan.

VII. Conformance with Article VII Regulations, Affordable Housing

The Applicant is proposing to add an additional 307 multi-family units in proposed Land Bay DD2 including 20 ADU units. Staff asks that the Applicant clarify that an additional 21 ADUs will

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be provided with the R-24 zoning district shown on this application (Land Bay FF1, per approved ZMAP 1994-0017, STPL 2005-0081, SPAM 2006-0079).

The Application has been revised and now shows no increase in the number of previously approved residential units for Stone Ridge.

The Applicant must note that ADUs shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development.

Compliance with this requirement will be demonstrated at the time of site plan, in accordance with Article 7.

VIII. Conformance with Zoning Overlay District Regulations

Section 4-1400, Airport Impact (AI) Overlay District

a) The Plan needs to be revised to show the existing zoning of the property to also include the AI district (Note #1, Sheet 1). Also correct note #14 on Sheet 1.

Note 14 on Sheet 1 provides the requested AI district information and the plan set depicts the location of the Ldn 60 noise contour.

b) Indicate compliance with Section 4-1404(B).

Note 14 on Sheet 1 indicates that the Property is subject to Section 4-1400.

c) Add the Disclosure Statement of Section 4-1405 in the note section.

Section 4-1405 requires an AI District Disclosure to be placed on all subdivision plats, site plans and deeds for any parcel subject to Section 4-1402(B), and such Disclosure will be provided.

IX. Conformance with Section 6-1500, PD District

1. Section 6-1505, CDP Submission Requirements. The proposed CDP does not provide any detail with regard to layout, design, phasing, etc., for the proposed PD-OP and PD-IP zoning districts, Section 6-1505(A), and Staff asks that the Applicant address this.

The layout, design and phasing of the proposed PD-OP and PD-IP land bays is not available at this time. The revised Application proposes a floor area increase of only 2,400 sq.ft. for the non-residential districts.

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2. *Section 6-1504, Zoning Modifications.* Staff asks that the Applicant clarify the nature of the proposed modifications of Section 4-305(B)(2) and Section 4-505(B)(2) on Sheet 3 and to provide justification for such modifications.

The revised Statement of Justification provided with this submission includes justification for the requested zoning ordinance modification.

3. *Section 6-1508, Contents of an approved CDP*

The CDP must be revised to depict the following for the PD-OP and PD-IP districts:

A. Nonresidential density. For nonresidential development, (c) the proposed setbacks, height and bulk restrictions for the project as a whole or for components or sub areas within the project. In addition, non-residential development plans shall specify any applicable performance standards that are imposed and restrictions regarding the location and nature of industrial, commercial and other nonresidential activities.

The PD-IP and PD-OP zoning district requirements are depicted on the CDP.

D. Transportation/Access. For nonresidential development, the approved location and general design of transportation improvements and ingress and egress to the project, along with such access restrictions as are imposed to promote and ensure the integrity and function of the County's thoroughfare system and the safe and efficient circulation of vehicles and pedestrians with the Planned Development district.

The road network within Stone Ridge has been coordinated with the Countywide Transportation Plan.

E. Perimeter treatment. The CDP must demonstrate the design and arrangement of perimeter area and how it mitigates the impact of the project upon adjoining properties.

The CDP depicts the location and extent of the requisite perimeter buffers.

X. Conformance with Additional Regulations & Standards

A. Section 5-1100, Off-Street Parking & Loading Requirements. Staff recommends that the required and proposed parking and loading spaces for all uses be provided at this time, otherwise, a note should be provided on the plat stating that parking will be provided at the time of site plan and will conform to the requirements of the Zoning Ordinance.

Notes have been added to the CDP stating that compliance with all applicable zoning ordinance regulations will be demonstrated at the time of site plan.

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B. Section 5-1300, Tree Planting and Replacement. Since this site has existing vegetation, the applicant should ensure and proffer that existing viable stands of trees will be preserved to the greatest extent possible and depict this on the CDP.

Tree conservation areas are depicted on the CDP.

C. Section 5-1400, Buffering and Screening.

1. The presentation and approval of a landscape plan is addressed at site plan. However, comments on the utilization of existing vegetation to meet buffer planting requirements should be placed in the Notes.

Existing vegetation will be utilized where practicable to meet buffer planting requirements.

2. The Applicant will have the option of requesting a modification or waiver of the required buffer yard by the Zoning Administrator at the time of site plan, pursuant to Section 5-1409, unless a specific condition of approval is added prohibiting such a request.

Comment acknowledged.

D. Section 5-1200, Signs. Unless modified, all signage shall comply with this section, to include the Sign Requirements Matrix, Section 5-1204(D). Please include a note to that effect on Sheet 1.

Signage in Stone Ridge is subject to an approved Comprehensive Sign Plan.

XI. ZMAP Checklist

1. The Applicant has depicted some but not all required open space areas in the development (Sheet 7). Staff notes that the proposed open space areas primarily consist of perimeter buffers and floodplain areas. Clarify and describe the character of the open space and any proposed active recreation (R-16, R-24 district) on the CDP sheet.

The proposed community centers for the R-16 and R-24 land bays are depicted on the CDP and described in the proffer statement.

XII. Proffer Statement

1. The Applicant has not provided any proffers to date.

A draft proffer statement is provided with this submission.

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2. Staff recommends that each proffer be written to communicate; 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.

Comment acknowledged.

3. Staff asks the Applicant to address how the proposed application relates to the existing approved Stone Ridge development and to provide a draft proffer statement clarifying any new proffers, deletion or revision of existing ones, etc.

The Applicant is the developer of Stone Ridge and will coordinate the development of the Application Property with the rest of Stone Ridge. A draft proffer statement is provided with this submission.

XIII. Other Issues/Comments

1. On the Rezoning Plat (Sheet 2), the zoning of MCPI# 204-18-0633 is R-24, not Transition. Please depict the correct zoning district.

This notation has been corrected as requested.

2. On the information Sheet, it is noted that a portion of tax map number 100/37 is proposed to be rezoned to the CLI district. This is not depicted or labeled on the rezoning plat. Explain.

The CDP has been revised and now depicts the included parcels and proposed zoning districts.

3. On the Rezoning Plat (Sheet 2), clarify that MCPI# 205-36-2224 is zoned R-24, PD-OP, R-16 and PDH-4, and that only the portion zoned R-24 and PD-OP is being rezoned and note the acreage on the Table on Sheet 2.

The table on Sheet 2 notes the area of each parcel, or portion of a parcel, to be rezoned, and the existing and proposed zoning districts.

4. On the Rezoning Plat (Sheet 2), identify the portion of the existing right-of-way that is proposed to rezone from PD-IP to PD-OP and R-16.

The Rezoning Plat has been revised as requested.

5. The property contains areas of steep slopes. Include a note on the Cover Sheet in the notes section that development of the property will conform to the steep slope standards of Section 5-1508.

Note 17 on the Cover Sheet addresses this comment.

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6. *For ease of clarification, denote and label the existing parcel lines and zoning boundaries as well as proposed zoning district boundaries on a separate sheet.*

The requested information is provided on Sheets 2 and 3.

7. *Clarify the proposed zoning of the VEPCO easement adjacent to MCPI# 204-35-8501 and provide an acreage breakdown of the different zoning districts for the parcel including the VEPCO easement area.*

The VEPCO easement area, along with the existing and proposed zoning districts and their areas, is shown on Sheet 2.

8. *The Parcel containing MCPI# 204-39-3236 according to County records indicate that the parcel is zoned PD-GI and is not at the location shown on the proposed CDP. Similarly, for MCPI# 204-39-4010, 205-36-2224, 204-40-4123. Correct/clarify this. Please correct this on the Table on Sheet 2.*

The plats and tables on Sheets 2 and 3 have been revised.

9. *Depict and label the existing Canary Grass Court on the proposed CDP (adjacent to the R-24 district).*

South Point Drive (formerly Canary Grass Court) is labeled on Sheet 5 of the CDP.

10. *For ease of clarification, depict and label Amber Spring Court on the proposed CDP.*

Amber Spring Court is labeled on Sheet 5.

11. *On Sheet 3, in the "Proposed Development Program" table, the Applicant depicted the proposed number of units for Land Bay FF1 as 322, while on the same sheet, in the location of the proposed land bay, the Applicant noted 213 multi-family units. Correct/clarify this inconsistency.*

A Density Exchange Table is provided on Sheet 5 to reflect the relocation of previously approved residential and non-residential uses.

12. *On Sheet 3, in the "Proposed Development Program" table, remove the proposed FAR of 0.40 from the residential land bays as it is not applicable.*

Sheet 3 has been revised to address this comment.

13. *The application must clearly distinguish and label the public and private streets in the development.*

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All access drives within townhouse and multi-family areas will be private. All subdivision streets will be/are public streets.

14. On Sheet 7, the calculation of open space for the R-24, R-16 is based on a required open space of 10%. Staff asks that the Applicant clarify this, as the 10% minimum is not an Ordinance requirement.

Sheet 7 is now an existing conditions map.

15. On Sheet 7, in the notes section, correct the word "maintained" as it is incorrectly spelled.

Sheet 7 is now an existing conditions map.

16. On Sheet 8, Land Bays 7, DD1 and DD2 are labeled as Land Bays AA, BB and CC. Please correct/clarify this inconsistency.

Sheet 8 is now a soils map.

17. According to the County's Weblogis, the area of MCPI# 204-36-8501 is 69.36 acres with the major portion zoned PD-IP and a small portion (14.67 acres) zoned PD-H4. Please clarify on the Table on Sheet 2 that the existing zoning of this parcel is also PD-H4.

The tables on Sheet 2 and 3 address only those areas that are proposed to be rezoned.

Virginia Department of Transportation (comments dated 2/23/07)

1. Please provide draft proffers for review.

Draft proffers are provided with this submission.

2. Applicant should dedicate right of way and construct Route 50 improvements consistent with one-half of the ultimate section specified in the CTP to a point where they tie-in with other compatible, proffered improvements (either by this developer or by others).

All previous proffer commitments for Route 50 improvements are retained.

3. Applicant should dedicate right of way and construct Relocated Route 659 and the West Spine Road and Tall Cedars Parkway per the ultimate conditions as specified in the CTP at least through the limits of Stone Ridge property and preferably to a point where they tie-in with other compatible, proffered improvements (either by this developer or by others).

This Application proposes the construction of a portion of Northstar Boulevard (formerly Relocated Route 659) in addition to the previous commitments for other regional road improvements.

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4. *The applicant should provide a pro-rata monetary contribution to be applied towards area transportation improvements.*

The current proffers commit to regional transportation contributions.

5. *Please clearly label Relocated Route 659 as such on the plan sheets.*

The CDP has been revised as requested.

6. *Dimension distance from Realigned Millstream Drive/Relocated Route 659 intersection to the closest intersections to the north and south. Ensure adequate crossover spacing on Relocated Route 659 as identified in the CTP.*

Millstream Drive is relocated with this Application and no longer intersects with Relocated Route 659.

7. *The traffic impact study (TIA) needs to be revised to include a "Recommendations" Section. A complete and thorough review cannot be conducted until this aspect of the TIA is completed. Receipt of this information may generate additional comments.*

An updated TIA is provided. It is noted that this Application proposes no additional residential units and only 2,400 sq.ft. of additional non-residential floor area.

8. *All traffic signals and signal modifications costs associated with this application are to be borne by the applicant. Verbiage to this effect should be included in the proffers.*

The existing proffers include commitments for specific traffic signals.

9. *Have designs been submitted/approved for the ultimate planned interchanges at Route 50/West Spine Road and at Route 50/659 Relocated?*

Not to our knowledge.

10. *Related to comment #9. This application should dedicate any necessary right of way and provide monetary contribution towards design/construction of the cited interchanges.*

Neither interchange impacts the Application Property. Stone Ridge has an existing proffer commitment for regional transportation contributions that will be applied to the Application Property.

11. *The north-south traffic volume on Gum Spring Road, Route 659, is significant. This roadway should not be abandoned or terminated or realigned until an adequate replacement facility is in place. There is a note on sheet 8 of 10 that we recommend be directly incorporated in to the proffers for this application.*

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Existing Gum Spring Road cannot be abandoned until VDOT authorizes such abandonment.

12. We recommend transportation demand management (TDM) measures be incorporated into the proffers for the office portion of this application.

The existing proffers include commitments for contributions to support the County's Transportation Demand Management Program.

13. Provide typical sections for Millstream Drive and Canary Grass Drive.

Please see Sheet 15.

14. Please see attached email dated 9/29/06.

Comment acknowledged.

15. Please see attached email dated 9/15/06.

Comment acknowledged.

16. Please see attached email dated 8/28/06.

Comment acknowledged.

Parks, Recreation and Community Services (comments dated 4/25/07)

1. Please provide proffers for review.

Draft proffers are provided with this submission.

2. The Applicant should demonstrate how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in eastern Loudoun.

The Application has been revised to propose no increase in the number of previously approved residential units for Stone Ridge. All residents of Stone Ridge have access to private recreational amenities.

3. Commercial, office and industrial developments based on their zoning are potential areas where facilities such as athletic fields (lighted) could be co-located.

Stone Ridge has previously dedicated the County's 25-acre Byrne's Ridge Park on Stone Springs Boulevard, as well as the Mercer Middle School and Arcola Elementary School sites, all of which have several athletic fields.

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4. *PRCS recommends that all internal sidewalks be a minimum of 5 feet.*

Comment acknowledged.

5. *On Sheet 8 of the Concept Plan, the Applicant is proposing an extension of the trail system throughout the Stone Ridge community. PRCS requests the Applicant to provide a typical section, including width and surface type, of each of the types of trails proposed and their locations. PRCS recommends that the trail proposed along Tall Cedars Parkway be a 10-foot wide, paved shared bicycle/pedestrian trail, and that the trail along the South Fork Broad Run be a natural pedestrian trail only.*

The width and surface type of the proposed trails will be consistent with FSM requirements and will be determined at the time of site development to be consistent with the existing trail network within Stone Ridge.

6. and 7. *PRCS would like to discuss with the Applicant a potential opportunity for dedication of the South Fork Broad Run flood plain to the County as a linear stream valley park. Staff is currently coordinating with other proposed area project applicants on both sides of the South Fork Broad Run for a potential contiguous linear stream valley park.*

Staff may contact the Applicant at any time to discuss this matter. It has been the Applicant's intent to retain the passive park in the TR-1UBF land bay as an HOA amenity.

8. *Staff requests the opportunity to discuss with the Applicant potential options for providing a much-needed restroom facility at Byrne's Ridge Park.*

Staff may contact the Applicant at any time to discuss this matter.

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We believe this response letter, the draft proffers, the revised Statement of Justification and the amended application plans address all staff comments. We look forward to continuing to work with you on this Application.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Cooley Godward Kronish LLP



Jeffrey A. Nein, AICP
Senior Land Use Planner

Enclosures

cc: Roy R. Barnett, Van Metre Companies
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